



# Journal of the House

State of Indiana

121st General Assembly

Second Regular Session

Thirty-Second Day

Tuesday Morning

March 10, 2020

The invocation was offered by Pastor Sam Bush of Jasonville First Assembly of God in Jasonville, a guest of Representative Borders.

The House convened at 10:00 a.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Austin.

The Speaker ordered the roll of the House to be called:

Abbott	Jackson
Austin	Jordan
Aylesworth	Judy
Bacon	Karickhoff
Baird <input type="checkbox"/>	Kirchhofer
Barrett	Klinker
Bartels	Lauer
Bartlett	Lehe
Bauer	Lehman
Beck <input type="checkbox"/>	Leonard
Behning	Lindauer
Borders	Lucas <input type="checkbox"/>
Boy	Lyness
T. Brown	Macer
Burton	Manning
Campbell	May
Candelaria Reardon	Mayfield
Carbaugh	McNamara
Cherry	Miller
Chyung	Moed
Clere	Morris
Cook	Morrison
Davisson	Moseley <input type="checkbox"/>
Deal	Negele
DeLaney	Nisly
DeVon	Pfaff
Dvorak <input type="checkbox"/>	Pierce
Eberhart	Porter
Ellington	Prescott
Engleman	Pressel
Errington	Pryor
Fleming	Saunders
Forestal <input type="checkbox"/>	Schaibley
Frye	Shackleford
GiaQuinta	Sherman
Goodin	Smaltz
Goodrich	V. Smith
Gutwein	Soliday
Hamilton	Speedy <input type="checkbox"/>
Harris	Steuerwald <input type="checkbox"/>
Hatcher	Stutzman
Hatfield <input type="checkbox"/>	Sullivan
Heaton	Summers
Heine <input type="checkbox"/>	Thompson
Hostettler	Torr
Huston	VanNatter

Vermilion  
Wesco  
Wolkins  
Wright

J. Young  
Zent  
Ziemke  
Mr. Speaker

Roll Call 340: 90 present; 10 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, March 11, 2020, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

## RESOLUTIONS ON FIRST READING

### House Resolution 60

Representative Beck introduced House Resolution 60:

A HOUSE RESOLUTION honoring Jacob Maldonado.

*Whereas, Jacob Israel Maldonado is an accomplished athlete and student who will graduate from Merrillville High School in June 2020;*

*Whereas, Maldonado was born into a proud tradition of wrestling in which his father, uncle, and extended family have built a legacy including 30 place winners in the state of Indiana, four state runners-up, five state championships, one national runner-up, one national champion, multiple All-Americans, and five inductees in the Indiana High School Wrestling Coaches Association's Hall of Fame;*

*Whereas, Maldonado's high school wrestling coach and father, David Maldonado, is a former IHSAA wrestling state champion and high school national champion;*

*Whereas, Maldonado embraces his family history, which has instilled in him a powerful work ethic to excel at the tasks at hand, persevere in adversity, and keep an eye on the future;*

*Whereas, Maldonado, as part of the varsity soccer team, earned many accolades during his high school career including: most assisted goals on the team, 2016-2019; sectional runner-up, 2016 and 2019; all-area, all-conference, and all-district recognition, 2018; varsity team captain, 2018 and 2019; academic all-state, 2018 and 2019; and team MVP, all-area, all-conference, all-district, and all-state first team recognition, 2019;*

*Whereas, Maldonado, as part of the varsity wrestling team, also earned many accolades during his high school career including: sectional individual champion, 2017, 2019, and 2020; team sectional champion, 2017-2020; freshman-sophomore state champion, 2018; 2019 Duneland Athletic Conference champions; 2019 and 2020 regional individual and team champions; four time individual semi-state qualifier; individual state qualifier, 2019; Individual sixth place state winner, 2020; and team captain, 2019 and 2020;*

*Whereas, Maldonado was nominated by his principal and coach and received the IHSA's 2020 Ward E. Brown Mental Attitude Award for wrestling;*

*Whereas, The award recognizes an outstanding senior who excels in mental attitude, scholarship, leadership, and athletic ability in wrestling;*

*Whereas, Maldonado is currently ranked fourth in his class of 500 students and maintains a 3.94 GPA while taking honors classes and serving as National Honor Society vice president;*

*Whereas, Maldonado plans to attend Wabash University to study finance, international business, and Spanish; and*

*Whereas, Maldonado has built a successful high school career and has been recognized in his community for his athleticism, grit, intelligence, resilience, and leadership: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors Jacob Maldonado for his many athletic and academic accomplishments while attending Merrillville High School.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to State Representative Lisa Beck for distribution.

The resolution was read a first time and adopted by voice vote.

#### **House Resolution 61**

Representative Beck introduced House Resolution 61:

A HOUSE RESOLUTION urging the governor to proclaim May 2020 as Indiana Motherhood Month.

*Whereas, The family, in which mothers perform a crucial role, is a major social institution in Indiana and throughout the world that provides tremendous value to both its members and society as a whole;*

*Whereas, Women across Indiana place their trust and their children in the arms of others, sharing parenting through foster care, adoption, day care, education, and respite care;*

*Whereas, Mothers have an indispensable role in building and transforming society and culture and moving Indiana, the country, and the world forward, remaining steadfast in their pursuit of a better and brighter future for all children;*

*Whereas, Mothers are innovators, tireless workers, engines of economic growth, and drivers of progress;*

*Whereas, Indiana has a proven record of meeting challenges and creating positive change, and members of the Indiana House of Representatives are committed to making mothers' lives better and ensuring their health and prosperity;*

*Whereas, One of these challenges is lowering the alarming infant mortality and maternal morbidity rates in Indiana and the United States;*

*Whereas, Maternal mortality, or pregnancy related death, is defined by the Centers for Disease Control and Prevention as the death of a woman while pregnant or within one year of the end of a pregnancy—regardless of the outcome, duration, or site of the pregnancy—from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes;*

*Whereas, The effect of a mother's death results in vulnerable families in which a child is more likely to die before reaching his or her second birthday, according to the United Nations Population Fund;*

*Whereas, Mothers are breadwinners, community leaders, advocates, allies, and pillars of family and community that have, for generations, blazed new paths, opened up new possibilities, and widened circles of opportunity for their daughters and sons; and*

*Whereas, Mothers and the institution of motherhood are worthy of honor and affirmation: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives calls upon the people of Indiana to express their honor, affirmation, love, respect, and gratitude to mothers everywhere and urges the governor to proclaim May 2020 as Indiana Motherhood Month.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Governor Eric Holcomb.

The resolution was read a first time and adopted by voice vote.

#### **House Resolution 62**

Representative Candelaria Reardon introduced House Resolution 62:

A HOUSE RESOLUTION recognizing the Munster High School boys swim team.

*Whereas, The Munster High School boys took state runner up at the 2020 high school state championships;*

*Whereas, The Seahorses celebrate this achievement, having won the spot for the first time in 10 years;*

*Whereas, The Seahorses finished with 183 points, 20 more than the third-place team;*

*Whereas, The 2020 state runner up team consists of: Seniors Kyle Adams, Grant Afman, Martin Barnard, Holden Raffin, and Aidan Smith; Juniors Michael Dempsey, Karl Larson, and Fenry Zhou; and Sophomores Griffin Poulsen, Kenny Reed, Scott Robbins, and Victor Vatchev;*

*Whereas, The 200 meter medley relay state runner up team, Raffin, Adams, Afman, and Zhou, won all state and an all American time of 1:28.96;*

*Whereas, Raffin placed fourth in the 200 meter individual medley, winning all state and an all American time of 1:48.09, and fourth in the 100 meter backstroke, winning all state and an all American time of 48.43;*

*Whereas, Raffin, Vatchev, Reed, and Afman placed fourth in the 400 meter freestyle relay, winning all state and an all American time of 3:05.80;*

*Whereas, Afman placed third in the 100 meter butterfly, winning all state and an all American time of 48.77, and ninth in the 200 meter freestyle with 1:41.07;*

*Whereas, Adams won state runner up in the 100 meter breaststroke, earning all state and an all American time of 54.30;*

*Whereas, Adams, Vatchev, Reed, and Zhou placed sixth in the 200 meter freestyle relay, winning an all American time of 1:24.95;*

*Whereas, Poulsen won seventh place in the 500 meter freestyle with 4:34.37;*

*Whereas, The Seahorses were led by coaches Tina Schmidt-McNulty, Dillon Thompson, Leopold Sawyers, Anna Nasinska, and Cal Richmond; and*

*Whereas, The Seahorses' achievements at the 2020 state championship are a testament to the hard work, dedication, passion, and comraderie of the Munster High School boys swim team, coaches, family, and friends: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes the Munster High School boys swim team and their accomplishments at the 2020 High School State Championships.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Mara Candelaria Reardon for distribution.

The resolution was read a first time and adopted by voice vote.

### House Resolution 63

Representative Pryor introduced House Resolution 63:

A HOUSE RESOLUTION celebrating women in public office.

*Whereas, The month of March is Women's History Month and celebrates the significant contributions women of all races, ethnicities, and backgrounds have made to the world;*

*Whereas, Women in public office play a critical role in the vitality and diversity of Hoosier communities;*

*Whereas, While the twentieth century was a pivotal time of growth for women entering politics, women remain under represented in male dominated fields, and, thus, providing opportunities to support women in public office is imperative; and*

*Whereas, Recognizing women in public office will bring awareness to the fundamental necessity of their work and will inspire other young people to serve their communities: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives celebrates Women in Public Office Day on March 19, 2020, and calls upon the citizens of Indiana to unite in support and recognition of women in public office.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Cherrish Pryor for distribution.

The resolution was read a first time and adopted by voice vote.

### House Resolution 64

Representative Harris introduced House Resolution 64:

A HOUSE RESOLUTION recognizing "Farmworkers Awareness Week", Cesar Chavez, and the work of Proteus, Inc.

*Whereas, Indiana's agribusiness employs more than 30,000 year-round, seasonal, and migrant farmworkers who are key partners for the safety, security, and sustainability of Indiana's food supply;*

*Whereas, The labor of Indiana's farmworkers contributes billions of dollars annually to the state's economy, and agriculture continues to be one of the principal industries in the state;*

*Whereas, Indiana honors all people who plant, cultivate, harvest, and process Indiana's agricultural products;*

*Whereas, March 31 is the birthday of Cesar Chavez, whose dedication and nonviolent organizing for wages, safe labor conditions, and the dignity of the women, men, and children who toil in the fields moved him to lead a nationwide peaceful struggle for farmworker justice that continues today;*

*Whereas, Proteus, Inc. is a private 501(c)(3) nonprofit organization based in Iowa that has been serving migrant and seasonal farmworkers, immigrants, and others since 1979;*

*Whereas, In addition to their main office in Iowa, Proteus, Inc. serves a constituency in Indiana and Nebraska;*

*Whereas, Proteus, Inc. was created to help provide communities with health, educational, and economic opportunities;*

*Whereas, To achieve its goals, Proteus, Inc. strives to make its programs accessible to as many members of the community as possible; embraces diversity in its staff, recipients of its services, program delivery, and its programs as a whole; develops a culture of respect and acceptance in its organization and general community; creates, evaluates, and maintains programs to meet the changing needs of communities; and treats all people in an honest, caring, and respectful manner; and*

*Whereas, The agricultural industry is strong throughout Indiana, and the strength of the industry's workers continue to keep Indiana great: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes: the efforts of Indiana's farmworkers and their many contributions to the agricultural industry in Indiana; the contributions of Cesar Chavez and remembers him on the occasion of his birthday, March 31; and Proteus, Inc. and its efforts to help bring a fair wage and safe and secure working environments to all members of Indiana's agricultural labor force.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Earl Harris Jr. for distribution.

The resolution was read a first time and adopted by voice vote.

### House Resolution 65

Representatives Hamilton and Speedy introduced House Resolution 65:

A HOUSE RESOLUTION standing in solidarity with Indiana's Jewish community.

*Whereas, Antisemitism entails prejudicial attitudes, discriminatory acts, or acts of violence toward people who are Jewish on the basis of the person's identity;*

*Whereas, The United States has experienced expressions of hate and acts of violence motivated by antisemitism;*

*Whereas, Various Jewish institutions in Indiana have received bomb threats and been vandalized and desecrated, and an increasing number of Jewish youth are experiencing antisemitism in Indiana schools;*

*Whereas, FBI statistics demonstrate that Jewish people and Jewish institutions, both religious and communal, continue to be the most frequently targeted religious group, accounting for almost 60% of all religiously motivated crimes in 2018; and*

*Whereas, Antisemitism is contradictory to democratic values, such as tolerance, pluralism, and liberty: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the House of Representatives stands together in solidarity with the Jewish community in Indiana and across the United States.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Jewish Community Relations Council of Indianapolis.

The resolution was read a first time and adopted by voice vote.

## ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2020; we further recommend that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 12 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bill 1070

Engrossed Senate Bills 10 and 190.

LEONARD, Chair

Report adopted.

### HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 12 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bill 1070

Engrossed Senate Bills 10 and 190.

LEONARD, Chair

Motion prevailed.

Representatives Beck and Lucas, who had been excused, are now present.

### CONFERENCE COMMITTEE REPORT EHB 1070-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1070 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, after line 29, begin a new paragraph and insert:

**"(e) The bureau may not assess points under the point system for a violation of this section occurring before July 1, 2021."**

(Reference is to EHB 1070 as printed February 21, 2020.)

SULLIVAN CRIDER  
CANDELARIA REARDON NIEZGODSKI

House Conferees Senate Conferees

Roll Call 341: yeas 81, nays 11. Report adopted.

Representative Baird, who had been excused, is now present.

### CONFERENCE COMMITTEE REPORT ESB 10-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 10 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-3.5-5-6, AS AMENDED BY P.L.35-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6. (a) A participant who terminates service as a member of the general assembly is entitled to withdraw both the participant's employee contribution account and employer contribution account from the defined contribution fund. The withdrawal shall be made not later than the required beginning date under the Internal Revenue Code. The amount available for the withdrawal shall be the fair market value of the participant's accounts on the last day of the quarter preceding the date of withdrawal plus employee contributions deducted and employer contributions made since the last day of the quarter preceding the date of withdrawal.

(b) The withdrawal amount shall be paid in a lump sum, a partial lump sum, a monthly annuity as purchased by the board with the remaining amount, or a series of monthly installment payments over sixty (60), one hundred twenty (120), or one hundred eighty (180) months, as elected by the participant. The forms of annuity and installments shall be established by the board by rule, in consultation with the system's actuary. The board shall give participants information on these forms of payments and the effects of various dates of withdrawal.

**(c) Subject to the Pension Protection Act of 2006 and notwithstanding any state law, after December 31, 2020, an active member who is at least fifty-nine and one-half (59 1/2) years of age may withdraw all or part of the amount in the member's account without separating from a covered position.**

SECTION 2. IC 5-10.2-3-6.5, AS AMENDED BY P.L.27-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6.5. (a) After ~~June 30, 2018~~, **December 31, 2020**, a member who meets all of the following requirements may elect to withdraw all or part of the amount in the member's annuity savings account:

(1) The member has terminated employment with the applicable fund and is not currently employed in a covered position for the applicable fund.

~~(2) The member has not performed any service in a position covered by the applicable fund or for the same employer for at least thirty (30) days after the date the member terminates employment.~~

~~(3) (2)~~ The member makes the election described in this subsection:

(A) after December 31, 2008, if the member is a

member of the public employees' retirement fund; or

(B) after June 30, 2009, if the member is a member of the Indiana state teachers' retirement fund.

~~(4) (3)~~ Except as provided in subsection (b), the member is not eligible for:

(A) before July 1, 2011, a reduced or unreduced retirement; or

(B) after June 30, 2011, an unreduced retirement;

under IC 5-10.2-4 on the date the fund receives notice of the election described in this subsection.

(b) The requirement described in subsection ~~(a)(4)~~ **(a)(3)** does not apply to a member of the public employees' retirement fund who:

- (1) was eligible for a reduced or unreduced retirement; and
- (2) received a distribution under this section;

after December 31, 2008, and before June 30, 2010.

(c) A member who elects to withdraw all or part of the amount in the member's annuity savings account under subsection (a) shall provide notice of the election on a form provided by the board.

(d) The election to withdraw all or part of the amount in the member's annuity savings account is irrevocable.

(e) The board shall pay an amount withdrawn from the member's annuity savings account under this section as a lump sum.

(f) Except as provided in subsection (g), a member who makes a withdrawal under this section is entitled to receive, when the member becomes eligible to receive and applies for a retirement benefit under IC 5-10.2-4, a retirement benefit equal to the pension provided by employer contributions computed under IC 5-10.2-4.

(g) A member who:

- (1) transfers creditable service earned under the fund to another governmental retirement plan under section 1(i) of this chapter; and
- (2) withdraws the member's annuity savings account under this section to purchase the service;

may not use the transferred service in the computation of a retirement benefit payable under subsection (f).

(h) After June 30, 2019, a member's withdrawal of all or part of the member's annuity savings account under:

- (1) this section; or
- (2) rules adopted by the board with respect to the Pension Protection Act of 2006;

has no effect on the member's service credit or pension.

**(i) Subject to the Pension Protection Act of 2006 and notwithstanding any state law, after December 31, 2020, an active member who:**

- (1) becomes age and service eligible for normal retirement; and**
- (2) is at least fifty-nine and one-half (59 1/2) years of age;**

**may withdraw all or part of the amount in the member's annuity savings account without consequence to the member's pension benefit under the fund and without separating from a covered position.**

SECTION 3. IC 5-10.2-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 9. (a) This section applies if the following conditions are met. A member dies:

- (1) after July 1, 1991; and
- (2) while receiving or while eligible to receive retirement benefits under IC 5-10.2-4-1 from the fund.

(b) As used in this section, "minimum amount" means the entire amount credited to the member's annuity savings account at the time of:

- (1) retirement; or
- (2) death while entitled to retirement benefits;

minus all benefits paid to the member and the member's survivors.

(c) If the member dies without a survivor entitled to benefits and the member has not received payments equal to or more than the minimum amount, the difference shall be paid in a lump sum to the member's designated beneficiary or beneficiaries in equal shares. If the member dies without a surviving designated beneficiary, the difference shall be paid in a lump sum to the member's estate.

(d) If the member dies with a survivor entitled to benefits, no payment under this section shall be calculated until after all survivors die. If, at the time of death of the last survivor, the

member and all survivors have not received payments equal to or more than the minimum amount, the difference shall be paid in a lump sum to the survivor's estate.

**(e) The minimum benefit provided in this section shall not apply to an election under IC 5-10.2-4-7(g).**

SECTION 4. IC 5-10.2-4-7, AS AMENDED BY P.L.40-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 7. (a) Benefits provided under this section are subject to IC 5-10.2-2-1.5.

(b) A member who retires is entitled to receive monthly retirement benefits, which are guaranteed for five (5) years or until the member's death, whichever is later. A member may select in writing any of the following nonconflicting options for the payment of the member's retirement benefits instead of the five (5) year guaranteed retirement benefit payments. The amount of the optional payments shall be determined under rules of the board and shall be the actuarial equivalent of the benefit payable under sections 4, 5, and 6 of this chapter. A member who has elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5 may not select the cash refund annuity option.

(1) Joint and Survivor Option.

(A) The member receives a decreased retirement benefit during the member's lifetime, and there is a benefit payable after the member's death to a designated beneficiary during the lifetime of the beneficiary, which benefit equals, at the option of the member, either the full decreased retirement benefit or two-thirds (2/3) or one-half (1/2) of that benefit.

(B) If the member dies before retirement, the designated beneficiary may receive only the amount credited to the member in the annuity savings account unless the designated beneficiary is entitled to survivor benefits under IC 5-10.2-3.

(C) If the designated beneficiary dies before the member retires, the selection is automatically canceled and the member may make a new beneficiary election and may elect a different form of benefit under this subsection.

(2) Benefit with No Guarantee. The member receives an increased lifetime retirement benefit without the five (5) year guarantee specified in this subsection.

(3) Integration with Social Security. If the member retires before the age of eligibility for Social Security benefits, in order to provide a level benefit during the member's retirement the member receives an increased retirement benefit until the age of Social Security eligibility and decreased retirement benefits after that age.

(4) Cash Refund Annuity. The member receives a lifetime annuity purchasable by all or part of the amount credited to the member in the annuity savings account, and the member's designated beneficiary receives a refund payment equal to:

- (A) the total amount used in computing the annuity; minus
- (B) the total annuity payments paid and due to the member before the member's death.

(c) This subsection does not apply to a member of the Indiana state teachers' retirement fund after June 30, 2007, or to a member of the public employees' retirement fund after June 30, 2008. If:

- (1) the designated beneficiary dies while the member is receiving benefits; or
- (2) the member is receiving benefits, the member marries, either for the first time or following the death of the member's spouse, after the member's first benefit payment is made, and the member's designated beneficiary is not the member's current spouse or the member has not designated a beneficiary;

the member may elect to change the member's designated beneficiary or form of benefit under subsection (b) and to receive an actuarially adjusted and recalculated benefit for the remainder of the member's life or for the remainder of the member's life and the life of the newly designated beneficiary. The member may not elect to change to a five (5) year guaranteed form of benefit. If the member's new election is the joint and survivor option, the member shall indicate whether the designated beneficiary's benefit shall equal, at the option of the member, either the member's full recalculated retirement benefit or two-thirds (2/3) or one-half (1/2) of this benefit. The cost of recalculating the benefit shall be borne by the member and shall be included in the actuarial adjustment.

(d) Except as provided in subsection (c) or section 7.2 of this chapter, a member who files for regular or disability retirement may not change:

- (1) the member's retirement option under subsection (b);
- (2) the selection of a lump sum payment under section 2 of this chapter; or
- (3) the beneficiary designated on the member's application for benefits if the member selects the joint and survivor option under subsection (b)(1);

after the first day of the month in which benefit payments are scheduled to begin. For purposes of this subsection, it is immaterial whether a benefit check has been sent, received, or negotiated.

(e) A member may direct that the member's retirement benefits be paid to a revocable trust that permits the member unrestricted access to the amounts held in the revocable trust. The member's direction is not an assignment or transfer of benefits under IC 5-10.3-8-10 or IC 5-10.4-5-14.5.

(f) The board may adopt a policy to permit annual payment of a member's retirement benefit whenever the amount of the monthly retirement benefit to be paid to the member is not more than five dollars (\$5).

**(g) The board may provide an alternative option for the payment of the member's retirement benefits that does not include the minimum benefit option under IC 5-10.2-3-9.**

SECTION 5. IC 5-10.3-12-26, AS AMENDED BY P.L.27-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 26. (a) **Subject After December 31, 2020, subject** to the provisions of the Internal Revenue Code applicable to qualified plan distributions, a member who

- ~~(1) terminates service in a covered position and~~
- ~~(2) does not perform any service in a position covered by the fund for at least thirty (30) days after the date on which the member terminates service;~~

is entitled to withdraw all or part of the amounts in the member's account to the extent the member is vested in the account. A member must make a required withdrawal from the member's account not later than the required beginning date under the Internal Revenue Code.

(b) The member may elect to have withdrawals paid as:

- (1) a lump sum;
- (2) a direct rollover to another eligible retirement plan; or
- (3) if the member has attained normal retirement age, a monthly annuity in accordance with the rules of the board.

(c) The board may establish a minimum account balance or a minimum monthly payment amount in order for a member to select the monthly annuity option. The board shall establish the forms of annuity by rule, in consultation with the board's actuary. The board shall give members information about these forms of payment and any information required by federal law to accompany such distributions.

(d) Unless otherwise required by federal or state law, the requirements and rules that apply to the distribution of the annuity savings account apply to distributions from a member's account.

**(e) Subject to the Pension Protection Act of 2006 and notwithstanding any state law, after December 31, 2020, an active member who:**

- (1) reaches normal retirement age; and**
- (2) has attained vested status in the fund;**

**may withdraw all or part of the amount in the member's account without separating from a covered position.**

SECTION 6. IC 5-10.4-8-12, AS AMENDED BY P.L.27-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 12. (a) **Subject After December 31, 2020, subject** to the provisions of the Internal Revenue Code applicable to qualified plan distributions, a member who

- ~~(1) terminates service in a covered position and~~
- ~~(2) does not perform any service in a position covered by the fund for at least thirty (30) days after the date on which the member terminates service;~~

is entitled to withdraw all or part of the amounts in the member's account to the extent the member is vested in the account. A member must make a required withdrawal from the member's account not later than the required beginning date under the Internal Revenue Code.

(b) A member may elect to have withdrawals paid as:

- (1) a lump sum;
- (2) a direct rollover to another eligible retirement plan; or
- (3) if the member has attained normal retirement age, a monthly annuity in accordance with the rules of the board.

(c) The board may establish a minimum account balance or a minimum monthly payment amount in order for a member to select the monthly annuity option. The board shall establish the forms of annuity by rule, in consultation with the board's actuary. The board shall give members information about these forms of payment and any information required by federal law to accompany such distributions.

(d) Unless otherwise required by federal or state law, the requirements and rules that apply to the distribution of the annuity savings account apply to distributions from a member's account.

**(e) Subject to the Pension Protection Act of 2006 and notwithstanding any state law, after December 31, 2020, an active member who:**

- (1) reaches normal retirement age; and**
- (2) has attained vested status in the fund;**

**may withdraw all or part of the amount in the member's account without separating from a covered position.**

(Reference is to ESB 10 as reprinted February 26, 2020.)

BOOTS	BURTON
TALLIAN	MOSELEY
Senate Conferees	House Conferees

Roll Call 342: yeas 93, nays 0. Report adopted.

#### CONFERENCE COMMITTEE REPORT ESB 190-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 190 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-20-1.1, AS AMENDED BY P.L.246-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.1. As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

(1) A project for which the political subdivision reasonably expects to pay:

- (A) debt service; or
- (B) lease rentals;

from funds other than property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or (before January 1, 2009) IC 20-45-3. A project is not a controlled project even though the political subdivision has pledged to levy property taxes to pay the debt service or lease rentals if those other funds are insufficient.

(2) A project that will not cost the political subdivision more than the lesser of the following:

- (A) An amount equal to the following:

- (i) In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, two million dollars (\$2,000,000).

- (ii) In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, five million dollars (\$5,000,000).

- (iii) In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, an amount (as determined by the department of local government finance) equal to the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the amount determined under this clause for the preceding calendar year.

The department of local government finance shall publish the threshold determined under item (iii) in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the growth quotient for the ensuing year under IC 6-1.1-18.5-2.

- (B) An amount equal to the following:

- (i) One percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one hundred million dollars (\$100,000,000).

- (ii) One million dollars (\$1,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one hundred million dollars (\$100,000,000).

(3) A project that is being refinanced for the purpose of providing gross or net present value savings to taxpayers.

(4) A project for which bonds were issued or leases were entered into before January 1, 1996, or where the state board of tax commissioners has approved the issuance of bonds or the execution of leases before January 1, 1996.

(5) A project that is required by a court order holding that a federal law mandates the project.

(6) A project that is in response to:

- (A) a natural disaster;
- (B) an accident; or
- (C) an emergency;

in the political subdivision that makes a building or facility unavailable for its intended use.

(7) A project that was not a controlled project under this section as in effect on June 30, 2008, and for which:

- (A) the bonds or lease for the project were issued or entered into before July 1, 2008; or
- (B) the issuance of the bonds or the execution of the lease for the project was approved by the department of local government finance before July 1, 2008.

(8) A project of the Little Calumet River basin development commission for which bonds are payable

from special assessments collected under IC 14-13-2-18.6.

**(9) A project for engineering, land and right-of-way acquisition, construction, resurfacing, maintenance, restoration, and rehabilitation exclusively for or of:**

**(A) local road and street systems, including bridges that are designated as being in a local road and street system;**

**(B) arterial road and street systems, including bridges that are designated as being in an arterial road and street system; or**

**(C) any combination of local and arterial road and street systems, including designated bridges.**

SECTION 2. IC 6-1.1-20-10, AS AMENDED BY P.L.198-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) This section applies to:

**(1) a political subdivision that adopts an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease; and**

**(2) any other political subdivision that has assessed value within the same taxing district as the political subdivision described in subdivision (1).**

Except as otherwise provided in this section, during the period commencing with the adoption of the ordinance or resolution and, if a petition and remonstrance process is commenced under section 3.2 of this chapter, continuing through the sixty (60) day period commencing with the notice under section 3.2(b)(1) of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project, **or any other political subdivision that has assessed value within the same taxing district**, may not promote a position on the petition or remonstrance by doing any of the following:

(1) Using facilities or equipment, including mail and messaging systems, owned by the political subdivision to promote a position on the petition or remonstrance, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.

(2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the petition or remonstrance or to pay for the gathering of signatures on a petition or remonstrance. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.

(3) Using an employee to promote a position on the petition or remonstrance during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the petition or remonstrance at any time. However, if a person described in subsection (f) is advocating for or against a position on the petition or remonstrance or discussing the petition or remonstrance as authorized under subsection (f), an employee of the political subdivision may assist the person in presenting information on the petition or remonstrance, if requested to do so by the person described in subsection (f).

(4) In the case of a school corporation, promoting a position on a petition or remonstrance by:

(A) using students to transport written materials to their residences or in any way involving students in a school organized promotion of a position;

(B) including a statement within another communication sent to the students' residences; or

(C) initiating discussion of the petition and remonstrance process at a meeting between a teacher and parents of a student regarding the student's performance or behavior at school. However, if the

parents initiate a discussion of the petition and remonstrance process at the meeting, the teacher may acknowledge the issue and direct the parents to a source of factual information on the petition and remonstrance process.

However, this section does not prohibit an official or employee of the political subdivision from carrying out duties with respect to a petition or remonstrance that are part of the normal and regular conduct of the official's or employee's office or agency, including the furnishing of factual information regarding the petition and remonstrance in response to inquiries from any person.

(b) A person may not solicit or collect signatures for a petition or remonstrance on property owned or controlled by the political subdivision.

(c) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes a petition or remonstrance.

(d) This subsection does not apply to:

- (1) a personal expenditure to promote a position on a petition and remonstrance by an employee of a school corporation whose employment is governed by a collective bargaining contract or an employment contract; or
- (2) an expenditure to promote a position on a petition and remonstrance by a person or an organization that has a contract or an arrangement with the school corporation solely for the use of the school corporation's facilities.

A person or an organization that has a contract or an arrangement (whether formal or informal) with a school corporation to provide goods or services to the school corporation may not spend any money to promote a position on the petition or remonstrance. A person or an organization that violates this subsection commits a Class A infraction.

(e) An attorney, an architect, registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project may not spend any money to promote a position on the petition or remonstrance. A person who violates this subsection:

- (1) commits a Class A infraction; and
- (2) is barred from performing any services with respect to the controlled project.

(f) Notwithstanding any other law, an elected or appointed public official of the political subdivision (including any school board member and school corporation superintendent), a school corporation assistant superintendent, or a chief school business official of a school corporation may at any time:

- (1) personally advocate for or against a position on the petition or remonstrance; or
- (2) discuss the petition or remonstrance with any individual, group, or organization or personally advocate for or against a position on the petition or remonstrance before any individual, group, or organization;

so long as it is not done by using public funds. Advocacy or discussion allowed under this subsection is not considered a use of public funds. However, this subsection does not authorize or apply to advocacy or discussion by a school board member, superintendent, assistant superintendent, or school business official to or with students that occurs during the regular school day.

**(g) Nothing in this section shall be construed to prevent a political subdivision that has assessed value within the same taxing district as the political subdivision described in subsection (a) from adopting a resolution or taking a position on the local public question.**

SECTION 3. IC 6-1.1-20-10.1, AS AMENDED BY P.L.198-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.1. (a) This section applies only to:

- (1) a political subdivision that ~~after June 30, 2008~~, adopts an ordinance or a resolution making a preliminary

determination to issue bonds or enter into a lease subject to sections 3.5 and 3.6 of this chapter; and

**(2) any other political subdivision that has assessed value within the same taxing district as the political subdivision described in subdivision (1).**

(b) Except as otherwise provided in this section, during the period beginning with the adoption of the ordinance or resolution and continuing through the day on which a local public question is submitted to the voters of the political subdivision under section 3.6 of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project, **or any other political subdivision that has assessed value within the same taxing district**, may not promote a position on the local public question by doing any of the following:

(1) Using facilities or equipment, including mail and messaging systems, owned by the political subdivision to promote a position on the local public question, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.

(2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the local public question. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, a registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.

(3) Using an employee to promote a position on the local public question during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the local public question at any time. However, if a person described in subsection (f) is advocating for or against a position on the local public question or discussing the local public question as authorized under subsection (f), an employee of the political subdivision may assist the person in presenting information on the local public question, if requested to do so by the person described in subsection (f).

(4) In the case of a school corporation, promoting a position on a local public question by:

(A) using students to transport written materials to their residences or in any way involving students in a school organized promotion of a position;

(B) including a statement within another communication sent to the students' residences; or

(C) initiating discussion of the local public question at a meeting between a teacher and parents of a student regarding the student's performance or behavior at school. However, if the parents initiate a discussion of the local public question at the meeting, the teacher may acknowledge the issue and direct the parents to a source of factual information on the local public question.

However, this section does not prohibit an official or employee of the political subdivision from carrying out duties with respect to a local public question that are part of the normal and regular conduct of the official's or employee's office or agency, including the furnishing of factual information regarding the local public question in response to inquiries from any person.

(c) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes a controlled project subject to a local public question held under section 3.6 of this chapter.

(d) This subsection does not apply to:

- (1) a personal expenditure to promote a position on a local public question by an employee of a school corporation whose employment is governed by a collective bargaining



contract or an employment contract; or

(2) an expenditure to promote a position on a local public question by a person or an organization that has a contract or an arrangement (whether formal or informal) with the school corporation solely for the use of the school corporation's facilities.

A person or an organization that has a contract or an arrangement (whether formal or informal) with a school corporation to provide goods or services to the school corporation may not spend any money to promote a position on a local public question. A person or an organization that violates this subsection commits a Class A infraction.

(e) An attorney, an architect, a registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project may not spend any money to promote a position on a local public question. A person who violates this subsection:

(1) commits a Class A infraction; and

(2) is barred from performing any services with respect to the controlled project.

(f) Notwithstanding any other law, an elected or appointed public official of the political subdivision (including any school board member and school corporation superintendent), a school corporation assistant superintendent, or a chief school business official of a school corporation may at any time:

(1) personally advocate for or against a position on the local public question; or

(2) discuss the public question with any individual, group, or organization or otherwise personally advocate for or against a position on the public question before any individual, group, or organization;

so long as it is not done by using public funds. Advocacy or discussion allowed under this subsection is not considered a use of public funds. However, this subsection does not authorize or apply to advocacy or discussion by a school board member, superintendent, assistant superintendent, or school business official to or with students that occurs during the regular school day.

(g) A student may use school equipment or facilities to report or editorialize about a local public question as part of the news coverage of the referendum by student newspaper or broadcast.

**(h) Nothing in this section shall be construed to prevent a political subdivision that has assessed value within the same taxing district as the political subdivision described in subsection (a) from adopting a resolution or taking a position on the local public question.**

(Reference is to ESB 190 as reprinted March 3, 2020.)

HOLDMAN

THOMPSON

TAYLOR

PRYOR

Senate Conferees

House Conferees

Roll Call 343: yeas 93, nays 0. Report adopted.

Representative Speedy, who had been excused, is now present.

Representative Judy, who had been present, is now excused.

## MOTIONS TO CONCUR IN SENATE AMENDMENTS

### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1265.

JACKSON

Roll Call 344: yeas 93, nays 0. Motion prevailed.

Representatives Beck and Lindauer, who had been present, are now excused.

### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1309.

WOLKINS

Roll Call 345: yeas 90, nays 1. Motion prevailed.

Representatives Beck and Hatfield, who had been excused, are now present.

Representative Davisson, who had been present, is now excused.

### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1353.

BURTON

Roll Call 346: yeas 92, nays 0. Motion prevailed.

## CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1222 Conferees: Representative Boy replacing Representative Moseley

Advisors: Remove Representative Boy

EHB 1414 Conferees: Representative Morrison replacing Representative Pierce

Advisors: Remove Representative Morrison

ESB 334 Conferees: Representative Pfaff replacing Representative Moseley

Advisors: Remove Representative Pfaff

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 1:07 p.m. with the Speaker in the Chair.

Upon request of Representative Pierce, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 347: 68 present. The Speaker declared a quorum present.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 67

The Speaker handed down Senate Concurrent Resolution 67, sponsored by Representative Cherry:

A CONCURRENT RESOLUTION congratulating the Mt. Vernon High School (Fortville) girls soccer team on receiving the National United Soccer Coaches Team Pinnacle Award for the 2018-2019 school year.

*Whereas, National United Soccer Coaches named the Mt. Vernon High School (Fortville) girls soccer team as a recipient of the 2018-2019 Team Pinnacle Award;*

*Whereas, To be considered for this award, the team had to receive either the Platinum, Gold, Silver, or Bronze version of the Association's High School Team Ethics and Sportsmanship Award, achieve recognition in the classroom as a recipient of the Association's Team Academic Award, and record a 75% or higher winning percentage;*

*Whereas, The Lady Marauders soccer team achieved a team grade point average of 3.63, finished the season with a 16-2*

*record, a winning percentage of 89%, and completed the season with only 2 yellow cards and no red cards assessed against the team; and*

*Whereas, The Mt. Vernon High School (Fortville) girls soccer team's conduct on the field and in the classroom is an example of strong ethics, academic success, and teamwork: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Mt. Vernon High School (Fortville) girls soccer team on receiving the National United Soccer Coaches Association Team Pinnacle Award for the 2018-2019 school year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to each member of the Mt. Vernon High School (Fortville) girls soccer team

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **Senate Concurrent Resolution 68**

The Speaker handed down Senate Concurrent Resolution 68, sponsored by Representatives Hatfield and McNamara:

A CONCURRENT RESOLUTION recognizing Judge Robert J. Tornatta upon his retirement as Judge of the Vanderburgh Superior Court.

*Whereas, After serving 22 years as Judge of the Vanderburgh Superior Court, Judge Robert J. Tornatta will retire April 3, 2020;*

*Whereas, Judge Tornatta received his undergraduate degree from Indiana University in 1982 before graduating in 1985 with honors from the Indiana University School of Law-Bloomington;*

*Whereas, After law school, Judge Tornatta started his legal career as a law clerk for Judge Gene Brooks of the United States District Court for the Southern District of Indiana;*

*Whereas, Following his federal court clerkship in 1988, Judge Tornatta went into private practice with the Trimble & Jewel law firm, before partnering with former Congressman Philip H. Hayes' law practice in 1990;*

*Whereas, In 1991, Judge Tornatta was appointed Administrator of the Vanderburgh Superior Court, a position which prepared him for a future judicial career;*

*Whereas, Judge Tornatta served as Court Administrator until 1995, when the Vanderburgh Superior Court Judges appointed him as a magistrate;*

*Whereas, Judge Tornatta was appointed by Governor Frank O'Bannon on December 11, 1997, to become Judge of the Vanderburgh Superior Court;*

*Whereas, During his judicial service, Judge Tornatta has supervised the Court's Drug and Alcohol Deferral Service, Misdemeanor Court, and Small Claims Division;*

*Whereas, Judge Tornatta is a graduate of the Indiana Judicial College, and has served as a member of the Judicial Administration and Alcohol and Drug Program Advisory Committees of the Judicial Conference of Indiana;*

*Whereas, Judge Tornatta is an active member of the Evansville Bar Association, serving on its Continuing Legal Education Committee, and twice received the Doran Perdue Service Award for his contributions to the Association;*

*Whereas, Judge Tornatta is married to his wife of 34 years, Sharon, whom with he raised three children, Scott, Molly, and Katie, and Judge Tornatta is a proud grandfather; and*

*Whereas, Upon his retirement, Judge Tornatta plans to spend more time with his family and to serve as a Senior Judge; and*

*Whereas, Judge Tornatta's years of service on the Vanderburgh County bench have left an immeasurable impact: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Judge Robert J. Tornatta upon his retirement as Judge of the Vanderburgh Superior Court.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Judge Robert J. Tornatta

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **House Resolution 66**

Representatives Lindauer and Ellington introduced House Resolution 66:

A HOUSE RESOLUTION congratulating the Loogootee High School girls basketball team.

*Whereas, The Loogootee High School girls basketball team won the 1A state title at Bankers Life Fieldhouse on February 29, 2020;*

*Whereas, The No. 1 ranked Lions won a hard fought game, 45-43 over Pioneer;*

*Whereas, The championship is the first state title win for any girls team in Loogootee High School's history;*

*Whereas, Junior Makenzie VanHoy led scoring in the first half with 11 points, and junior Brooklynn Jones scored 14 of her team high 17 points in the second half;*

*Whereas, Kalea Fleming hit two free throws with 1:07 left, and Jones hit two more in the final 30 seconds to help secure a hard fought victory;*

*Whereas, The Lions' strong offense and solid defense broke the No. 4 ranked Pioneer Panthers' 19-game winning streak;*

*Whereas, Senior Chelsie Sutton received the IHSAA's 2020 Patricia L. Roy Mental Attitude Award in Class A girls basketball upon completion of the game;*

*Whereas, The award is presented annually to a senior participant in each classification who was nominated by her principal and coach and has demonstrated excellence in mental attitude, scholarship, leadership, and athletic ability;*

*Whereas, Coach Brian Smith led the Lions during their 27-2 season;*

*Whereas, The Lions' state championship win indicates the hard work, talent, skill, and commitment given by each player to high school basketball and her team; and*

*Whereas, This achievement will be forever etched in the history of Loogootee High School: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates the Loogootee High School girls basketball team for its historic 2020 state championship win.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to coach Brian Smith of the Loogootee High School girls basketball team for distribution.

The resolution was read a first time and adopted by voice vote.

Representatives Judy, Lindauer and Steuerwald, who had been excused, are now present.

Representatives Barrett, Bartlett, Bauer, Beck and Carbaugh, who had been present, are now excused.

## MOTIONS TO CONCUR IN SENATE AMENDMENTS

### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1077.

ZENT

Roll Call 348: yeas 79, nays 0. Motion prevailed.

## ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2020; we further recommend that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed Senate Bills 132, 237, 246 and 258.

LEONARD, Chair

Report adopted.

### HOUSE MOTION

Mr. Speaker: I move House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2020, and that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed Senate Bills 132, 237, 246 and 258.

LEONARD, Chair

Motion prevailed.

Representatives Chyung, DeVon and Lehman, who had been excused, are now present.

Representative Sullivan, who had been present, is now excused.

## CONFERENCE COMMITTEE REPORT

### ESB 132-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 132 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-18.5-23-1, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. The bureau shall design and issue a ~~safety~~ first **responder** license plate. The ~~safety~~ first **responder** license plate shall:

- (1) be designed and issued as a special group recognition license plate under IC 9-18.5-12; and
- (2) replace the emergency medical services license plate issued by the bureau.

SECTION 2. IC 9-18.5-23-2, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. A person that is eligible to register a vehicle under this title is eligible to receive a ~~safety~~ first **responder** license plate under this chapter upon doing the following:

- (1) Completing an application for a ~~safety~~ first **responder** license plate.
- (2) Paying the fees under section 3 of this chapter.

SECTION 3. IC 9-18.5-23-3, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3. (a) The fees for a ~~safety~~ first **responder** license plate are as follows:

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau and deposited in the fund established under IC 10-15-3-1.

SECTION 4. IC 10-19-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. "Application", for purposes of IC 10-19-2.1, means an application for:**

- (1) a permit;
- (2) a registration;
- (3) a variance;
- (4) an authorization;
- (5) a license;
- (6) a certification; or
- (7) a waiver.

SECTION 5. IC 10-19-2.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

### **Chapter 2.1. Powers and Duties of Department**

**Sec. 1. If a person is required to submit information, an application, or a document to:**

- (1) the department;
- (2) an employee of the department;
- (3) an office or division of the department; or
- (4) a board, commission, or council staffed by the department;

**the department, office, or division of the department, or the board, commission, or council staffed by the department, may require the person to submit the information, application, or document electronically. However, the department, office, or division of the department, or the board, commission, or council staffed by the department, may not require a person to submit information, an application, or a document electronically if the person demonstrates that being required to submit the information, application, or document electronically will constitute an undue hardship for the person.**

SECTION 6. IC 10-19-3-8, AS ADDED BY P.L.45-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The executive director may grant a variance to a rule governing the state

disaster relief fund under 290 IAC 1. A variance granted under this section must promote the effective and expeditious distribution of relief assistance.

(b) The executive director may grant a variance to a rule under subsection (a) if an applicant for financial assistance under 290 IAC 1-1 or 290 IAC 1-2 does the following:

- (1) Submits to the executive director a written **or electronic** request for the variance in the form and manner specified by the executive director.
- (2) Documents that compliance with the rule specified in the application for the variance will create an undue hardship on the applicant, as determined by the executive director.
- (3) Documents that the applicant for the variance will be in substantial compliance with 290 IAC 1-1 or 290 IAC 1-2, as applicable, after the variance is granted, as determined by the executive director.
- (4) Documents that noncompliance with the rule specified in the application for a variance will not be adverse to public health and safety or the purposes of the fund, as determined by the executive director.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the executive director. Noncompliance with the alternative method constitutes the violation of a rule of the executive director and may be the basis for revoking the variance.

SECTION 7. IC 10-19-11-6, AS ADDED BY P.L.29-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A person shall not produce, use, store, or dispose of radioactive materials until the person:

- (1) is registered or licensed in Indiana under this chapter; or
- (2) registers in writing **or an electronic format** with the agency, giving the pertinent information the agency requires, in accordance with the procedures prescribed by the agency.

(b) A person that uses, stores, or disposes of radioactive materials may be exempted by the agency from licensure or registration under this chapter if the agency determines that the person's use, storage, or disposal of radioactive materials is not a material hazard to public health, safety, and welfare.

SECTION 8. IC 20-26-18.2-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 5. (a) A school corporation or charter school served by a school resource officer employed for the protection of the school corporation or charter school under section 2 of this chapter shall annually report the number of school resource officers serving the school corporation or charter school to the department of homeland security before September 1.**

**(b) The department of homeland security shall:**

- (1) annually compile the information reported under subsection (a); and**
- (2) retain the information reported under subsection (a).**

**(c) For purposes of IC 5-14-3, the department of homeland security shall keep information compiled and retained under subsection (b) confidential and shall withhold the information from public disclosure.**

SECTION 9. IC 22-11-14-2, AS AMENDED BY P.L.187-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The fire prevention and building safety commission shall:

- (1) adopt rules under IC 4-22-2 for the granting of permits for supervised public displays of fireworks by municipalities, fair associations,

amusement parks, and other organizations or groups of individuals; and

- (2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.

(b) The application for a permit required under subsection (a) must:

- (1) name a competent operator who is to officiate at the display;
- (2) set forth a brief resume of the operator's experience;
- (3) be made in writing **or an electronic format**; and
- (4) be received with the applicable fee by the division of fire and building safety at least five (5) business days before the display.

No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be located, discharged, or fired as, in the opinion of:

- (1) the chief of the fire department of the city or town in which the display is to be held; or
- (2) the township fire chief or the fire chief of the municipality nearest the site proposed, in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.

(f) A person may not possess, transport, or deliver special fireworks, except as authorized under this section.

SECTION 10. IC 22-13-5-2, AS AMENDED BY P.L.49-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) Except as provided under subsection (c), upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

(c) If:

- (1) an interested person submits a written **or electronic** request to the building commissioner for a written interpretation of a building law or fire safety law applicable to a Class 2 structure; and
- (2) the building commissioner is absent and unable to issue a written interpretation within the time specified under subsection (a);

the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.

SECTION 11. IC 22-14-7-22 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 22. (a) The reduced ignition propensity standards for cigarettes fund is established. Money in the fund may be used to support processing, testing, enforcement, and oversight activities under this chapter. The fund shall be administered by the state fire marshal.~~

~~(b) The expenses of administering the fund shall be paid~~

from money in the fund:

(c) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested:

(d) The fund consists of:

(1) certification fees collected under section 24 of this chapter; and

(2) grants, gifts, and donations intended for deposit in the fund:

(e) The money in the fund at the end of the state fiscal year does not revert to the state general fund:

SECTION 12. IC 22-14-7-27, AS AMENDED BY HEA 1174-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) The fire prevention and public safety fund is established. The fund shall be administered by the state fire marshal. Money in the fund may be used to support:

(1) fire safety and prevention programs; and

(2) **processing, testing, enforcement, and oversight activities under this chapter; and**

(3) public safety education and outreach programs, including, but not limited to, youth helmet safety.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) The fund consists of:

(1) **certification fees collected under section 21 of this chapter;**

(2) penalties recovered under section 24 of this chapter; and

(3) grants, gifts, and donations intended for deposit in the fund.

(e) The money in the fund at the end of the state fiscal year does not revert to the state general fund.

SECTION 13. IC 22-14-7-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27.5. **On July 1, 2020, the auditor of state shall transfer the balance that remained on June 30, 2020, in the reduced ignition propensity standards for cigarettes fund established by section 22 of this chapter (before its repeal) to the fire prevention and public safety fund established by section 27 of this chapter.**

SECTION 14. IC 22-15-5-4, AS AMENDED BY P.L.230-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The division shall carry out a program for the periodic inspection of regulated lifting devices being operated in Indiana. A regulated lifting device may not be operated without an operating certificate that covers the operation of the regulated lifting device.

(b) A permit issued under this section expires on the earlier of:

(1) one (1) year after issuance; or

(2) when the regulated lifting device is altered.

(c) After a regulated lifting device has been installed or altered, an applicant shall apply for an initial operating certificate. The division shall issue an initial operating certificate for a regulated lifting device if:

(1) the applicant demonstrates:

(A) through an acceptance inspection made by an elevator inspector licensed under section 11 of this chapter that the regulated lifting device covered by the application complies with the laws governing its construction, repair,

maintenance, and operation; and

(B) that the applicant has paid the fee set under IC 22-12-6-6(a)(7); and

(2) the division verifies, through an inspection, that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device.

(d) The division shall issue a renewal operating certificate if the applicant:

(1) demonstrates through the completion of applicable safety tests that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device;

(2) submits results of all applicable safety tests, including failed safety tests for the regulated lifting device; and

(3) has paid the fee set under IC 22-12-6-6(a)(7).

(e) The division may issue a temporary operating permit to an applicant under this section who does not comply with subsection (c)(1)(A) for a new or altered regulated lifting device or subsection (d)(1) for an existing unaltered regulated lifting device. The applicant must pay the fee set under IC 22-12-6-6(a)(7) to qualify for the temporary operating permit. Except as provided in subsection (f), the permit, including all renewal periods, is limited to sixty (60) days.

(f) The division may renew a temporary operating permit issued under subsection (e) for thirty (30) day periods during the construction of a building if the regulated lifting device is used for the transportation of construction personnel, tools, and materials.

(g) The responsibilities of the division under this section may be carried out by a political subdivision that is approved by the commission under IC 22-13-2-10.

(h) A copy of the operating certificate shall be displayed in or on each regulated lifting device or in an associated machine room. **In addition to the requirements of this subsection, the two-dimensional bar code assigned to an elevator shall be displayed in or on each elevator in a location that is easily viewed and scanned by a person riding on the elevator.**

(i) A licensed elevator mechanic shall perform the maintenance on a regulated lifting device.

SECTION 15. IC 36-8-17-7, AS AMENDED BY P.L.1-2006, SECTION 578, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) A fire department shall investigate and determine the causes and circumstances surrounding each fire occurring within the territory served by the fire department. The fire department shall begin the investigation when the fire occurs. The fire department shall immediately notify the division if the fire chief believes that a crime may have been committed and shall submit a written **or electronic** report to the division concerning every investigation at the end of each month. The fire department shall submit the report on the form prescribed by the division and shall include the following information in the report:

(1) A statement of the facts relating to the cause and origin of the fire.

(2) The extent of damage caused by the fire.

(3) The amount of insurance on the property affected by the fire.

(4) Other information required in the commission's rules.

(b) To carry out this section, a fire department may:

(1) enter and inspect any real or personal property at a reasonable hour;

(2) cooperate with the prosecuting attorney and assist the prosecuting attorney with any criminal

investigation;

(3) request that the office subpoena witnesses under IC 22-14-2-8 or order the production of books, documents, and other papers;

(4) give oaths and affirmations;

(5) take depositions and conduct hearings; and

(6) separate witnesses and otherwise regulate the course of proceedings.

(c) Subpoenas, discovery orders, and protective orders issued under this section shall be enforced under IC 4-21.5-6-2.

(Reference is to ESB 132 as printed February 28, 2020.)

CRIDER	FRYE
MRVAN	KLINKER
Senate Conferees	House Conferees

Roll Call 349: yeas 81, nays 0. Report adopted.

Representatives Bartlett, Bauer and Dvorak, who had been excused, are now present.

Representative Wolkins, who had been present, is now excused.

#### CONFERENCE COMMITTEE REPORT ESB 246-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 246 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 27 through 38.

Renumber all SECTIONS consecutively.

(Reference is to ESB 246 as reprinted February 18, 2020.)

CRIDER	FRYE
MRVAN	AUSTIN
Senate Conferees	House Conferees

Roll Call 350: yeas 83, nays 2. Report adopted.

Representatives Deal, Hatfield, Leonard and Morrison, who had been excused, are now present.

#### CONFERENCE COMMITTEE REPORT ESB 258-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 258 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 27-7-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4.5. The bureau may recommend a premium or rate discount for a municipal corporation purchasing or procuring worker's compensation insurance under IC 22-3-2-2(c) or a volunteer fire department purchasing worker's compensation insurance under IC 36-8-12-10 that has implemented the best practices established under IC 36-8-10.5-11.**

SECTION 2. IC 36-8-10.5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 11. (a) The education board must establish best practices to improve safety and health outcomes for full-time firefighters and volunteer firefighters not later than July 1, 2021.**

**(b) The best practices must include:**

**(1) a proactive health and safety risk management system consisting of a joint employer and employee governance structure to oversee a continuous process of identification, evaluation, monitoring and controlling, and reporting of safety and health hazards in the workplace;**

**(2) ways to reduce firefighter risk of exposure to carcinogens; and**

**(3) ways to prevent or reduce the risk of injuries and illness with particular focus on causes of compensable worker's compensation or disability claims.**

**(c) The education board shall:**

**(1) review programs established by political subdivisions and volunteer fire departments implementing best practices under this section; and**

**(2) provide a political subdivision or volunteer fire department with a letter for submission to an insurance company for consideration in a premium or rate discount toward the purchase or procurement of worker's compensation insurance under IC 22-3-2-2 that states that the political subdivision or volunteer fire department has implemented best practices under this section.**

SECTION 3. IC 36-8-10.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 12. (a) The best practices fund is established for the purpose of providing matching grants to political subdivisions and volunteer fire departments to purchase equipment and other gear to implement best practices established under section 11 of this chapter.**

**(b) The fund shall be administered by the education board.**

**(c) The fund consists of:**

**(1) appropriations from the general assembly; and**

**(2) amounts deposited from any other public or private source.**

**(d) The expenses of administering the fund shall be paid from money in the fund.**

**(e) The treasurer of state shall invest the money in the fund not currently needed to meet obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.**

**(f) Money in the fund at the end of the state fiscal year does not revert to the state general fund.**

**(g) The education board shall adopt rules under IC 4-22-2 to implement this section.**

(Reference is to ESB 258 as reprinted February 21, 2020.)

KOCH	FRYE
MRVAN	KLINKER
Senate Conferees	House Conferees

Roll Call 351: yeas 89, nays 0. Report adopted.

Representatives Barrett, Beck, Carbaugh, Davisson, Fleming and Shackleford, who had been excused, are now present.

Representative Goodin, who had been present, is now excused.

## MOTIONS TO CONCUR IN SENATE AMENDMENTS

### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1165.

BURTON

Roll Call 352: yeas 61, nays 34. Motion prevailed.

### CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1022	Conferees: Representative Torr replacing Representative Porter
	Advisors: Remove Representative Torr
ESB 299	Conferees: Representative Bacon replacing Representative Errington
	Advisors: Remove Representative Bacon

The House recessed until the fall of the gavel.

### RECESS

The House reconvened at 3:40 p.m. with the Speaker in the Chair.

Upon request of Representative Pryor, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 353: 69 present. The Speaker declared a quorum present.

## ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2020; we further recommend that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1414 and 1157.

LEONARD, Chair

Report adopted.

### HOUSE MOTION

Mr. Speaker: I move House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2020, and that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1414 and 1157.

LEONARD, Chair

Motion prevailed.

Representatives Goodin and Morris, who had been excused, are now present.

Representatives Austin, Carbaugh, Lauer, Lehe and Speedy, who had been present, are now excused.

### CONFERENCE COMMITTEE REPORT

#### EHB 1157-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed

Senate Amendments to Engrossed House Bill 1157 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-21-3-11, AS AMENDED BY P.L.217-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. A person who violates section 7, 8, or 9 of this chapter commits a Class C infraction. **However, a person who violates section 7, 8, or 9 of this chapter in a manner that results in bodily injury to a person commits a Class A infraction.**

SECTION 2. IC 9-21-8-49, AS AMENDED BY P.L.188-2015, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 49. (a) **Except as provided in subsection (b) except or as provided in sections 35, 50, 51, 52, 55, 56, and 58 of this chapter, a person who violates this chapter commits a Class C infraction.**

**(b) Except as provided in sections 35, 50, 52, 55, 56, 58, and 59 of this chapter, a person who violates this chapter in a manner that results in bodily injury to a person commits a Class A infraction.**

SECTION 3. IC 9-21-8-51 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 51. A person ~~who~~ **may not:**

- (1) ~~operates~~ **operate** a vehicle; and
- (2) ~~fails fail~~ to dim bright or blinding lights when meeting another vehicle or pedestrian.

**commits a Class B infraction:**

SECTION 4. IC 9-30-6-8, AS AMENDED BY P.L.188-2015, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Whenever a judicial officer has determined that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), the clerk of the court shall forward:

- (1) a paper copy of the affidavit, or an electronic substitute; or
- (2) a bureau certificate as described in section 16 of this chapter;

to the bureau.

(b) The probable cause affidavit required under section 7(b)(2) of this chapter must do the following:

- (1) Set forth the grounds for the arresting officer's belief that there was probable cause that the arrested person was operating a vehicle in violation of IC 9-30-5 or a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).
- (2) State that the person was arrested for a violation of IC 9-30-5 or operating a motorboat in violation of IC 35-46-9 or IC 14-15-8 (before its repeal).
- (3) State whether the person:
  - (A) refused to submit to a chemical test when offered; or
  - (B) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

(4) Be sworn to by the arresting officer.

(c) Except as provided in subsection (d), if it is determined under subsection (a) that there was probable cause to believe that a person has violated IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal), at the initial hearing of the matter held under IC 35-33-7-1 the court shall recommend immediate suspension

of the person's driving privileges to take effect on the date the order is entered, and forward to the bureau a copy of the order recommending immediate suspension of driving privileges.

(d) If it is determined under subsection (a) that there is probable cause to believe that a person violated IC 9-30-5, the court may, as an alternative to **any** suspension of the person's driving privileges under subsection (c), issue an order recommending that the person be prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

**This subsection applies even if the probable cause affidavit in subsection (b) states that the person:**

- (1) refused to submit to a chemical test; or
- (2) submitted to a chemical test that resulted in prima facie evidence that the person was intoxicated.

**The order remains in effect** until the bureau is notified by a court that the criminal charges against the person have been resolved. **When the court issues an order under this subsection, no administrative suspension is imposed by the bureau and no suspension is noted on the person's driving record.**

(e) A person commits a Class B infraction if the person:

- (1) operates a motor vehicle without a functioning certified ignition interlock device; and
- (2) is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under subsection (d).

(f) A person commits a Class B misdemeanor if the person:

- (1) operates a motor vehicle without a functioning certified ignition interlock device; and
- (2) knows the person is prohibited from operating a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under subsection (d).

SECTION 5. IC 9-30-6-13.5, AS AMENDED BY P.L.144-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13.5. **Whenever If:**

- (1) a case filed under IC 9-30-5 is terminated in favor of the defendant; and
- (2) the defendant's driving privileges were suspended under:

(A) **section 9(c) section 9(b)** of this chapter; or

(B) **section 9(c) of this chapter;**

the bureau shall remove any record of the suspension, including the reason for suspension, from the defendant's official driving record.

SECTION 6. IC 9-30-16-1, AS AMENDED BY P.L.144-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for specialized driving privileges under this chapter:

- (1) A person who has never been an Indiana resident.
- (2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7. **However, a court may grant this person driving privileges under IC 9-30-6-8(d).**
- (3) A person whose driving privileges have been suspended or revoked under IC 9-24-10-7(b)(2)(A).
- (4) A person whose driving privileges have been suspended under IC 9-21-8-52(e) or

IC 9-21-12-1(b).

(b) This chapter applies to the following:

(1) A person who held an operator's, a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

(A) the criminal conviction for which the operation of a motor vehicle is an element of the offense;

(B) any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal); or

(C) committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).

(2) A person who:

(A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and

(B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, a court may suspend the driving privileges of a person convicted of any of the following offenses for a period up to the maximum allowable period of incarceration under the penalty for the offense:

(1) Any criminal conviction in which the operation of a motor vehicle is an element of the offense.

(2) Any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal).

(3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1 that involves the use of a vehicle.

(d) Except as provided in section 3.5 of this chapter, a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.

(g) If a person indicates to the court at an initial hearing (as described in IC 35-33-7) that the person intends to file a petition for a specialized driving privileges hearing with that court under section 3 or 4 of this chapter, the following apply:

(1) The court shall:

(A) stay the suspension of the person's driving privileges at the initial hearing and shall not submit the probable cause affidavit related to the person's offense to the bureau; and

(B) set the matter for a specialized driving privileges hearing not later



than thirty (30) days after the initial hearing.

(2) If the person does not file a petition for a specialized driving privileges hearing not later than ten (10) days after the date of the initial hearing, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

(3) If the person files a petition for a specialized driving privileges hearing not later than ten (10) days after the initial hearing, the stay of the suspension of the person's driving privileges continues until the matter is heard and a determination is made by the court at the specialized driving privileges hearing.

(4) If the specialized driving privileges hearing is continued due to:

(A) a congestion of the court calendar;

(B) the prosecuting attorney's motion for a continuance; or

(C) the person's motion for a continuance with no objection by the prosecuting attorney;

the stay of the suspension of the person's driving privileges continues until addressed at the next hearing.

(5) If the person moves for a continuance of the specialized driving privileges hearing and the court grants the continuance over the prosecuting attorney's objection, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

SECTION 7. IC 9-30-16-6, AS ADDED BY P.L.188-2015, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A person whose driving privileges are suspended under section 1(c) of this chapter:

(1) is entitled to credit for any days during which the license was suspended under IC 9-30-6-9(c); and

(2) may not receive any credit for days during which the person's driving privileges were suspended under IC 9-30-6-9(b).

(b) A period of suspension of driving privileges imposed under section 1(c) of this chapter must be consecutive to any period of suspension imposed under IC 9-30-6-9(b). However, **if the state and defendant agree pursuant to a term in an accepted plea agreement, or if the court finds in the sentencing order at sentencing that it is in the best interest of society, the court may shall terminate all or any part of the remaining suspension under IC 9-30-6-9(b) and shall enter this finding in its sentencing order.**

(c) The bureau shall designate a period of suspension of driving privileges imposed under section 1(c) of this chapter as consecutive to any period of suspension imposed under IC 9-30-6-9(b) unless the sentencing order of the court under subsection (b) terminates all or part of the remaining suspension under IC 9-30-6-9(b).

SECTION 8. IC 9-30-16-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6.5. A court and the bureau, if applicable, shall terminate all or any part of the remaining suspension of a person's license suspension under section 1(c) of this chapter or under IC 9-30-6-9 if:

(1) the charges against the person are

dismissed;

(2) the person is acquitted; or

(3) the person's conviction is vacated or reversed on appeal.

SECTION 9. IC 34-28-5-1, AS AMENDED BY P.L.198-2016, SECTION 667, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(b) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(c) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(d) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(e) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

~~(f) Subsection (g) does not apply to an individual who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:~~

~~IC 9-19~~

~~IC 9-21~~

~~IC 9-24~~

~~IC 9-25~~

~~IC 9-26~~

~~IC 9-30-5~~

~~IC 9-30-10~~

~~IC 9-30-15.~~

~~(g) (f)~~ This subsection does not apply to an offense or violation under IC 9-24-6 (before its repeal) or IC 9-24-6.1 involving the operation of a commercial motor vehicle. The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-37-4-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay a fee of seventy dollars (\$70) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110);

(5) the agreement is filed in the court in which the action is brought; and

(6) if the deferral program is offered by the prosecuting attorney, the prosecuting attorney

electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.

(~~h~~) (g) If a judgment is entered against a defendant in an action to enforce an ordinance, the defendant may perform community restitution or service (as defined in IC 35-31.5-2-50) instead of paying a monetary judgment for the ordinance violation as described in section 4(e) of this chapter if:

(1) the:

- (A) defendant; and
- (B) attorney for the municipal corporation;

agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

(2) the terms of the agreement described in subdivision (1):

- (A) include the amount of the judgment the municipal corporation requests that the defendant pay under section 4(e) of this chapter for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and
- (B) are recorded in a written instrument signed by the defendant and the attorney for the municipal corporation;

(3) the agreement is filed in the court where the judgment was entered; and

(4) the court approves the agreement.

If a defendant fails to comply with an agreement approved by a court under this subsection, the court shall require the defendant to pay up to the amount of the judgment requested in the action under section 4(e) of this chapter as if the defendant had not entered into an agreement under this subsection.

SECTION 10. IC 34-28-5-4, AS AMENDED BY P.L.146-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A judgment of up to ten thousand dollars (\$10,000) may be entered for a violation constituting a Class A infraction.

(b) A judgment of up to one thousand dollars (\$1,000) may be entered for a violation constituting a Class B infraction.

(c) Except as provided in subsection (f), a judgment of up to five hundred dollars (\$500) may be entered for a violation constituting a Class C infraction.

(d) A judgment of up to twenty-five dollars (\$25) may be entered for a violation constituting a Class D infraction.

(e) Subject to ~~section 1(i)~~ **section 1** of this chapter, a judgment:

- (1) up to the amount requested in the complaint; and
- (2) not exceeding any limitation under IC 36-1-3-8;

may be entered for an ordinance violation.

(f) Except as provided in subsections (g) and (h), a person who has admitted to a moving violation constituting a Class C infraction, pleaded nolo contendere to a moving violation

constituting a Class C infraction, or has been found by a court to have committed a moving violation constituting a Class C infraction may not be required to pay more than the following amounts for the violation:

(1) If, before the appearance date specified in the summons and complaint, the person mails or delivers an admission of the moving violation or a plea of nolo contendere to the moving violation, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).

(2) If the person admits the moving violation or enters a plea of nolo contendere to the moving violation on the appearance date specified in the summons and complaint, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).

(3) If the person contests the moving violation in court and is found to have committed the moving violation, the person may not be required to pay any amount, except:

(A) court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was not found by a court in the county to have committed a moving violation;

(B) court costs and a judgment that does not exceed two hundred fifty dollars and fifty cents (\$250.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed one (1) moving violation; and

(C) court costs and a judgment that does not exceed five hundred dollars (\$500) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed two (2) or more moving violations.

In a proceeding under subdivision (3), the court may require the person to submit an affidavit or sworn testimony concerning whether, in the five (5) years before the appearance date specified in the summons and complaint, the person has been found by a court to have committed one (1) or more moving violations.

(g) The amounts described in subsection (f) are in addition to any amount that a person may be required to pay for attending a defensive driving school program.

(h) This subsection applies only to infraction judgments imposed in Marion County for traffic violations after December 31, 2010. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Marion County. These funds shall be transferred to a dedicated fund in accordance with section 5 of this chapter.

(i) This subsection applies only to infraction judgments imposed in Clark County for toll violations after January 1, 2017. Subsection (f) applies to an infraction judgment described

in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Clark County. These funds shall be transferred to a dedicated fund in accordance with section 5(f) of this chapter.

SECTION 11. IC 34-28-5-8, AS AMENDED BY P.L.200-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. The violations clerk or deputy violations clerk shall:

(1) accept:

- (A) written appearances;
- (B) waivers of trial;
- (C) admissions of violation;
- (D) declarations of nolo contendere for moving traffic violations;
- (E) payments of judgments (including costs) in traffic violation cases;
- (F) deferral agreements made under ~~section 1(f)~~ **section 1** of this chapter (or IC 34-4-32-1(f) before its repeal) and deferral program fees prescribed under IC 33-37-4-2(e); and
- (G) community restitution or service agreements made under ~~section 1(g)~~ **section 1** of this chapter;

- (2) issue receipts and account for any judgments (including costs) collected; and
- (3) pay the judgments (including costs) collected to the appropriate unit of government as provided by law.

SECTION 12. IC 34-28-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. The court shall:

- (1) designate the traffic violations within the authority of the violations clerk, but these violations may not include misdemeanors or felonies;
- (2) establish schedules, within limits prescribed by law, of the judgments to be imposed for first violations, designating each violation specifically;
- (3) order that the schedule of judgments be prominently posted in the place where the fines are paid;
- (4) establish a procedure under which any violations clerk or deputy violations clerk shall accept, receipt, and account for all money tendered for designated traffic violations; and
- (5) dismiss deferred actions if a dismissal request is made under ~~section 1(f)~~ **section 1** of this chapter (or IC 34-4-32-1(f) before its repeal).

SECTION 13. IC 35-48-4-15 IS REPEALED [EFFECTIVE JULY 1, 2020]. ~~Sec. 15. If a person is convicted of an offense under section 1, 1-1, 1-2, 2, 3, 4, or 10 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court may, in addition to any other order the court enters, order that the person's driving privileges be suspended by the bureau of motor vehicles for a period specified by the court of not more than two (2) years.~~

(Reference is to EHB 1157 as reprinted March 3, 2020.)

MCNAMARA	FREEMAN
HATFIELD	TALLIAN
House Conferees	Senate Conferees

Roll Call 354: yeas 92, nays 0. Report adopted.

Representative Carbaugh, who had been excused, is now excused.

#### CONFERENCE COMMITTEE REPORT EHB 1414-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1414 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-8.5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) As used in this section, "legacy generation resource" means an electric generating facility owned directly or indirectly by a corporation that was formed for the original purpose of providing power to the federal government for use in the nation's defense or in furtherance of national interests, including the Ohio Valley Electric Corporation.

(b) As used in this section, "reliable capacity resource" means an electric generating unit:

- (1) that is located in Indiana;
- (2) the capacity of which is valued by a regional transmission organization at a minimum of eighty percent (80%) of the unit's nameplate capacity; and
- (3) that maintains an annual average onsite fuel inventory of at least thirty (30) days of average fuel consumption.

(c) The general assembly finds that it is in the public interest to support the reliability, availability, fuel security, and diversity of electric generating capacity in Indiana for the purpose of providing reliable and stable electric service to customers of public utilities.

(d) A public utility that owns and operates a reliable capacity resource shall operate and maintain the unit using good utility practices and in a manner reasonably intended to support the availability of the unit for dispatch and for providing reliable service to customers of the public utility.

(e) A public utility may not terminate a power agreement with a legacy generation resource in which the public utility has an ownership interest unless the public utility provides the commission with at least three (3) years advance notice of the termination. The commission shall determine the reasonable costs incurred by the public utility under the power agreement and allow the public utility to recover those costs in a fuel adjustment charge proceeding under IC 8-1-2-42. For purposes of this subsection, a public utility's reasonable costs related to a legacy generation resource means those costs, including deferred costs, allocated under a power agreement approved by the Federal Energy Regulatory Commission and relating to a legacy generation resource.

(f) A public utility may not retire, sell, or transfer a reliable capacity resource with a capacity exceeding eighty (80) megawatts before May 1, 2021, unless:

- (1) the public utility first provides written notice to the commission of the public utility's intent to do so; and
- (2) the commission conducts a public hearing, noticed in accordance with IC 5-14-1.5, to receive information concerning the reasonableness of the planned retirement, sale, or transfer.

A public utility may provide the written notice required under subdivision (1) at any time. Not later than one hundred twenty (120) days after the date of the commission's receipt of the public utility's written notice to the commission under this subsection, the commission shall conduct the hearing described in subdivision (2) and issue the commission's analysis and conclusions concerning the reasonableness of the planned retirement, sale, or transfer based on the information received. If the planned retirement, sale, or transfer was included in the public utility's preferred portfolio in the public utility's most recent integrated resource plan, the public utility may proceed with the planned retirement, sale, or transfer after the commission issues the commission's analysis and conclusions under this subsection. If the planned retirement, sale, or transfer was not included in the public utility's preferred portfolio in the public utility's most recent integrated resource plan, the public utility may not proceed with the planned retirement, sale, or transfer until at least six (6) months have elapsed from the date of the commission's receipt of the public utility's written notice under this subsection.

(g) If a public utility that seeks to retire, sell, or transfer a reliable capacity resource under subsection (f) cites a federal mandate as the basis, in whole or in part, for the planned retirement, sale, or transfer of the unit, the commission may consider as part of the commission's analysis and conclusions under subsection (f) whether the cited federal mandate:

- (1) is in force;
- (2) has not expired or been revoked; and
- (3) is not merely anticipated to be enacted;

at the time of the public utility's notice under subsection (f).

(h) This section expires May 1, 2021.

SECTION 2. IC 8-1-8.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) As used in this section, "coal industry employment" means employment:

- (1) at a commercial coal mine in Indiana;
- (2) at a coal fired electric generating unit in Indiana; or
- (3) in an Indiana based manufacturing or transportation supply chain serving:
  - (A) a commercial coal mine in Indiana; or
  - (B) a coal fired electric generating unit in Indiana.

(b) As used in this section, "coal transition worker" means:

- (1) an individual who:
  - (A) has been laid off or terminated from the individual's coal industry employment; or
  - (B) has received a notice of termination or layoff from the individual's coal industry employment;

as a result of the permanent closure of, or a substantial layoff at, a commercial coal mine in Indiana or a coal fired electric generating unit in Indiana; or

- (2) an individual who:
  - (A) has:
    - (i) been laid off or terminated, for a reason other than cause; or
    - (ii) received a notice of termination or layoff, for a reason other than cause;

from the individual's coal industry employment; and  
(B) is unlikely to obtain employment in an industry described in subsection (a)(1) through (a)(3) because of market forces or other factors affecting the industry.

(c) In awarding high value workforce ready credit-bearing grants under IC 21-12-8, the commission for higher education, in conjunction with the department of workforce development, shall give priority to an applicant who is a coal transition worker if the applicant is otherwise eligible for a grant under IC 21-12-8-9.

SECTION 3. An emergency is declared for this act.

(Reference is to EHB 1414 as reprinted March 3, 2020.)

SOLIDAY	MESSMER
MORRISON	KOCH
House Conferees	Senate Conferees

Roll Call 355: yeas 55, nays 38. Report adopted.

#### CONFERENCE COMMITTEE REPORT ESB 237-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 237 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 8 through 38.

(Reference is to ESB 237 as printed February 21, 2020.)

BROWN	MACER
LANANE	MORRIS
Senate Conferees	House Conferees

Roll Call 356: yeas 93, nays 0. Report adopted.

The House recessed until the fall of the gavel.

#### RECESS

The House reconvened at 6:43 p.m. with the Speaker in the Chair.

Upon request of Representative Austin, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 357: 68 present. The Speaker declared a quorum present.

Representatives Bauer, Behning, Cherry, Davisson, Dvorak, Pressel, Shackelford, Sherman, Smaltz and Ziemke, who had been present, are now excused.

Representative Austin and Speedy, who had been excused, are now present.

#### MOTIONS TO CONCUR IN SENATE AMENDMENTS

##### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1326.

KIRCHHOFFER

Roll Call 358: yeas 87, nays 0. Motion prevailed.

## MOTIONS TO DISSENT FROM SENATE AMENDMENTS

### HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1006 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KIRCHHOFFER

Motion prevailed.

## ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2020; we further recommend that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1092, 1153, 1022 and 1419

Engrossed Senate Bills 256, 340 and 433

LEONARD, Chair

Report adopted.

### HOUSE MOTION

Mr. Speaker: I move House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2020, and that House Rule 163.3 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1092, 1153, 1022 and 1419

Engrossed Senate Bills 256, 340 and 433

LEONARD, Chair

Motion prevailed.

### CONFERENCE COMMITTEE REPORT

#### EHB 1022-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1022 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Delete everything after the enacting clause and insert:

SECTION 1. IC 35-31.5-2-132.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 132.7. "Financial transaction", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-0.5.**

SECTION 2. IC 35-31.5-2-257.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 257.5. "Public monument", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.5.**

SECTION 3. IC 35-45-17-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. As used in this chapter, "financial transaction" means any exchange of currency by cash, note, or credit card or through a wireless portal that is received by:**

- (1) a business;**
- (2) a parking meter or parking pay station on a street or another public place;**
- (3) a public parking garage or parking lot pay station;**
- (4) a facility or pay station operated by a public transportation authority; or**
- (5) a restaurant or the service area of an outdoor seating establishment.**

SECTION 4. IC 35-45-17-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. As used in this chapter, "public monument" means a building, structure, or site that is of historical importance or interest that is preserved as public property.**

SECTION 5. IC 35-45-17-2, AS ADDED BY P.L. 140-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2. A person who knowingly or intentionally does any of the following commits panhandling, a Class C misdemeanor:**

- ~~(1)~~ **(1) Panhandling after sunset and before sunrise.**
- ~~(2)~~ **(1) Panhandling when the individual being solicited is:**

- (A) at a bus stop;
- (B) in a:
  - (i) vehicle; or
  - (ii) facility; used for public transportation;
- (C) in a motor vehicle that is parked or stopped on a public street or alley, unless the person soliciting the individual has the approval to do so by a unit of local government that has jurisdiction over the public street or alley;
- (D) in the sidewalk dining area of a restaurant; ~~or~~
- (E) within ~~twenty (20)~~ **fifty (50)** feet of:
  - (i) an automated teller machine; ~~or~~
  - (ii) the entrance ~~or~~ **exit** to a bank, **business, or restaurant; or**
  - (iii) the location where a financial transaction occurs; or**
  - (F) within fifty (50) feet of a public monument.**

- ~~(3)~~ **(2) Panhandling while touching the individual being solicited without the solicited individual's consent.**

- ~~(4)~~ **(3) Panhandling while the individual being solicited is standing in line and waiting to be admitted to a commercial establishment.**

- ~~(5)~~ **(4) Panhandling while blocking:**
  - (A) the path of the individual being solicited; or
  - (B) the entrance to a building or motor vehicle.

- ~~(6)~~ **(5) Panhandling while using profane or abusive language:**

- (A) during a solicitation; or
- (B) after the individual being solicited has declined to donate money or something else of value.

- ~~(7)~~ **(6) Panhandling while making a statement, a gesture, or another communication to the individual being solicited that would cause a**

reasonable individual to:

- (A) fear for the individual's safety; or
- (B) feel compelled to donate.

~~(8)~~ (7) Panhandling with at least one (1) other individual.

~~(9)~~ (8) Panhandling and then following or accompanying the solicited individual without the solicited individual's consent after the solicited individual has declined to donate money or something else of value.

(Reference is to EHB 1022 as reprinted February 19, 2020.)

BOSMA	MESSMER
TORR	BROWN
House Conferees	Senate Conferees

Roll Call 359: yeas 84, nays 10. Report adopted.

#### CONFERENCE COMMITTEE REPORT EHB 1092-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1092 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-15-5-14.5, AS ADDED BY P.L.128-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) The office shall include a:

- (1) licensed clinical social worker;
- (2) licensed mental health counselor;
- (3) licensed clinical addiction counselor; and
- (4) licensed marriage and family therapist;

as eligible providers for the supervision of a plan of treatment for a patient's outpatient mental health or substance abuse treatment services, if the individual holds at least a master's degree and the supervision is in the scope of practice, education, and training of the clinical social worker, mental health counselor, clinical addiction counselor, or marriage and family therapist.

**(b) Before July 1, 2020, the office shall apply to the United States Department of Health and Human Services to amend the state Medicaid plan to implement subsection (a).**

SECTION 2. IC 12-15-5-17, AS AMENDED BY P.L.108-2019, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 29, 2020]: Sec. 17. (a) This section does not apply to a Medicaid recipient participating in the Program of All-Inclusive Care for the Elderly (PACE) program described in IC 12-15-43.

(b) The office may not include a Medicaid recipient who is eligible to ~~(H)~~ participate in the Medicare program (42 U.S.C. 1395 et seq.) and receive nursing facility services in a risk based managed care program or capitated managed care program.

(c) This section expires ~~June 30, 2020~~; **June 30, 2021**.

SECTION 3. IC 12-15-13-9, AS ADDED BY P.L.128-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Subject to subsection (b), the office shall reimburse the following providers if the providers are providing Medicaid covered services at a federally-qualified health center (as defined in 42 U.S.C. 1396d(l)(2)(B)) or a rural health clinic (as defined in 42 U.S.C. 1396d(l)(1)) within the provider's scope of practice:

- (1) A clinical social worker licensed under IC 25-23.6-5.

(2) A marriage and family therapist licensed under IC 25-23.6-8.

(3) A mental health counselor licensed under IC 25-23.6-8.5.

(4) A clinical addiction counselor licensed under IC 25-23.6-10.5.

(b) **By July 1, 2020**, the office shall apply to the United States Department of Health and Human Services to amend the state Medicaid plan to include reimbursement described in subsection (a). The office may not implement the reimbursement under subsection (a) until the office has obtained approval for the Medicaid state plan amendment requested under this subsection.

SECTION 4. IC 27-8-5-15.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 15.8. (a) As used in this section, "treatment of a mental illness or substance abuse" means:**

- (1) treatment for a mental illness, as defined in IC 12-7-2-130(1); and**
- (2) treatment for drug abuse or alcohol abuse.**

**(b) As used in this section, "act" refers to the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Act of 2008 and any amendments thereto, plus any federal guidance or regulations relevant to that act, including 45 CFR 146.136, 45 CFR 147.136, 45 CFR 147.160, and 45 CFR 156.115(a)(3).**

**(c) As used in this section, "nonquantitative treatment limitations" refers to those limitations described in 26 CFR 54.9812-1, 29 CFR 2590.712, and 45 CFR 146.136.**

**(d) An insurer that issues a policy of accident and sickness insurance that provides coverage of services for treatment of a mental illness or substance abuse shall submit a report to the department not later than December 31 of each year that contains the following information:**

**(1) A description of the processes:**

- (A) used to develop or select the medical necessity criteria for coverage of services for treatment of a mental illness or substance abuse; and**
- (B) used to develop or select the medical necessity criteria for coverage of services for treatment of other medical or surgical conditions.**

**(2) Identification of all nonquantitative treatment limitations that are applied to:**

- (A) coverage of services for treatment of a mental illness or substance abuse; and**
- (B) coverage of services for treatment of other medical or surgical conditions;**

**within each classification of benefits.**

**(e) There may be no separate nonquantitative treatment limitations that apply to coverage of services for treatment of a mental illness or substance abuse that do not apply to coverage of services for treatment of other medical or surgical conditions within any classification of benefits.**

**(f) An insurer that issues a policy of accident and sickness insurance that provides coverage of services for treatment of a mental illness or substance abuse shall also submit an analysis showing the insurer's compliance with this section and the act to the department not later than December 31 of each year. The analysis must do the following:**

- (1) Identify the factors used to determine that a nonquantitative treatment limitation will apply to a benefit, including factors that were considered but rejected.**

(2) Identify and define the specific evidentiary standards used to define the factors and any other evidence relied upon in designing each nonquantitative treatment limitation.

(3) Provide the comparative analyses, including the results of the analyses, performed to determine the following:

(A) That the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of a mental illness or substance abuse are comparable to, and applied no more stringently than, the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of other medical or surgical conditions.

(B) That the processes and strategies used to apply each nonquantitative treatment limitation for treatment of a mental illness or substance abuse are comparable to, and applied no more stringently than, the processes and strategies used to apply each nonquantitative limitation for treatment of other medical or surgical conditions.

(g) The department shall adopt rules to ensure compliance with this section and the applicable provisions of the act.

SECTION 5. IC 27-13-7-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14.2. (a) As used in this section, "treatment of a mental illness or substance abuse" means:

(1) treatment for a mental illness, as defined in IC 12-7-2-130(1); and

(2) treatment for drug abuse or alcohol abuse.

(b) As used in this section, "act" refers to the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Act of 2008 and any amendments thereto, plus any federal guidance or regulations relevant to that act, including 45 CFR 146.136, 45 CFR 147.136, 45 CFR 147.160, and 45 CFR 156.115(a)(3).

(c) As used in this section, "nonquantitative treatment limitations" refers to those limitations described in 26 CFR 54.9812-1, 29 CFR 2590.712, and 45 CFR 146.136.

(d) An individual contract or a group contract that provides coverage of services for treatment of a mental illness or substance abuse shall submit a report to the department not later than December 31 of each year that contains the following information:

(1) A description of the processes:

(A) used to develop or select the medical necessity criteria for coverage of services for treatment of a mental illness or substance abuse; and

(B) used to develop or select the medical necessity criteria for coverage of services for treatment of other medical or surgical conditions.

(2) Identification of all nonquantitative treatment limitations that are applied to:

(A) coverage of services for treatment of a mental illness or substance abuse; and

(B) coverage of services for treatment of other medical or surgical conditions;

within each classification of benefits.

(e) There may be no separate nonquantitative treatment limitations that apply to coverage of services for treatment of a mental illness or substance abuse that do not apply to coverage of services for treatment of other medical or surgical conditions within any classification of benefits.

(f) An individual contract or a group contract that provides coverage of services for treatment of a mental illness or substance abuse shall also submit an analysis showing the insurer's compliance with this section and the act to the department not later than December 31 of each year. The analysis must do the following:

(1) Identify the factors used to determine that a nonquantitative treatment limitation will apply to a benefit, including factors that were considered but rejected.

(2) Identify and define the specific evidentiary standards used to define the factors and any other evidence relied upon in designing each nonquantitative treatment limitation.

(3) Provide the comparative analyses, including the results of the analyses, performed to determine the following:

(A) That the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of a mental illness or substance abuse are comparable to, and applied no more stringently than, the processes and strategies used to design each nonquantitative treatment limitation for coverage of services for treatment of other medical or surgical conditions.

(B) That the processes and strategies used to apply each nonquantitative treatment limitation for treatment of a mental illness or substance abuse are comparable to, and applied no more stringently than, the processes and strategies used to apply each nonquantitative limitation for treatment of other medical or surgical conditions.

(g) The department shall adopt rules to ensure compliance with this section and the applicable provisions of the act.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "act" refers to the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Act of 2008 and any amendments thereto, plus any federal guidance or regulations relevant to that act, including 45 CFR 146.136, 45 CFR 147.136, 45 CFR 147.160, and 45 CFR 156.115(a)(3).

(b) Not later than March 1, 2021, the department of insurance shall submit a report to the general assembly concerning its implementation of rules and procedures to ensure compliance with the act. The report must include the following information:

(1) The methodology the department uses to

determine insurers' compliance with the act.

(2) The methodology the department uses to determine insurers' compliance with IC 27-8-5-15.6, IC 27-8-5-15.8, as added by this act, IC 27-13-7-14.2, as added by this act, and IC 27-13-7-14.8.

(3) The results of the target market conduct examinations conducted or completed to determine insurers' compliance with state and federal laws regarding parity in coverage of services for treatment of a mental illness or substance abuse in the past twelve (12) months.

(4) Any educational or corrective action the department has taken to ensure insurers' compliance with the act.

(c) The report required under this SECTION must be in an electronic format under IC 5-14-6.

(d) This SECTION expires June 30, 2021.

SECTION 7. An emergency is declared for this act.

(Reference is to EHB 1092 as printed February 14, 2020.)

ZIEMKE CHARBONNEAU

FLEMING BREAUX

House Conferees Senate Conferees

Roll Call 360: yeas 94, nays 0. Report adopted.

#### CONFERENCE COMMITTEE REPORT

##### EHB 1153-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1153 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-3-27-3, AS AMENDED BY P.L.143-2019, SECTION 2, AND AS AMENDED BY P.L.237-2019, SECTION 1, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:  
Sec. 3. The governor's workforce cabinet is established under the applicable state and federal programs to do the following:

(1) Review the services and use of funds and resources under applicable state and federal programs and advise the governor, *general assembly, commission for higher education, and state board of education* on methods of coordinating the services and use of funds and resources consistent with the laws and regulations governing the particular applicable state and federal programs.

(2) Advise the governor, *general assembly, commission for higher education, and state board of education* on:

(A) the development and implementation of state and local standards and measures; and

(B) the coordination of the standards and measures;

concerning the applicable federal programs.

(3) Perform the duties as set forth in federal law of the particular advisory bodies for applicable federal programs described in section 4 of this chapter.

(4) Identify the workforce needs in Indiana and

recommend to the governor, *general assembly, commission for higher education, and state board of education* goals to meet the investment needs.

(5) Recommend to the governor, *general assembly, commission for higher education, and state board of education* goals for the development and coordination of the talent development system in Indiana.

(6) Prepare and recommend to the governor, *general assembly, commission for higher education, and state board of education* a strategic plan to accomplish the goals developed under subdivisions (4) and (5).

(7) Monitor and direct the implementation of and evaluate the effectiveness of the strategic plan described in subdivision (6).

(8) Advise the governor, *general assembly, commission for higher education, and state board of education* on the coordination of federal, state, and local education and training programs and on the allocation of state and federal funds in Indiana to promote effective services, service delivery, and innovative programs.

(9) Review and approve regional workforce development board plans, and work with regional workforce development boards to determine appropriate metrics for workforce programming at the state and local levels.

(10) Design for implementation a comprehensive career navigation and coaching system as described in section 11 of this chapter.

(11) Conduct a systematic and comprehensive review, analysis, and evaluation of workforce funding described in section 12 of this chapter.

(12) Conduct a systematic and comprehensive review, analysis, and evaluation of the college and career funding described in section 13 of this chapter.

(13) Based on the reviews in sections 12 and 13 of this chapter, direct the appropriate state agencies to implement administrative changes to the delivery of these programs that align with Indiana's workforce goals, and make recommendations to:

(A) the governor;

(B) the *commission for higher education*;

(C) the *state board of education*;

and

(D) the ~~legislative council~~ *general assembly* in an ~~in~~ electronic format under IC 5-14-6;

on possible legislative changes in the future.

(14) Study the advisability of establishing one (1) or more real world career readiness programs as described in section 14 of this chapter and report to:

(A) the governor;

(B) the *commission for higher education*;

(C) the *state board of education*;

and

(D) the ~~legislative council~~ *general assembly* in an electronic format under IC 5-14-6;

concerning the results of the study.

(15) Conduct a systematic and comprehensive



review, analysis, and evaluation of whether:

(A) Indiana's **early childhood**, primary, secondary, and postsecondary education systems are aligned with employer needs; and

(B) Indiana's students and workforce are prepared for success in the twenty-first century economy.

(16) On or before December 1, 2020, create a comprehensive strategic plan to ensure alignment between Indiana's **early childhood**, primary, secondary, and postsecondary education systems with Indiana's workforce training programs and employer needs.

~~(15)~~ (17) Administer the workforce diploma reimbursement program established by IC 22-4.1-27-7.

~~(17)~~ (18) Carry out other policy duties and tasks as assigned by the governor.

## SECTION 2. An emergency is declared for this act.

(Reference is to EHB 1153 as printed February 28, 2020.)

GOODRICH

RAATZ

KLINKER

MELTON

House Conferees

Senate Conferees

Roll Call 361: yeas 93, nays 1. Report adopted.

## CONFERENCE COMMITTEE REPORT

### EHB 1419-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1419 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-3-27-3, AS AMENDED BY P.L.143-2019, SECTION 2, AND AS AMENDED BY P.L.237-2019, SECTION 1, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The governor's workforce cabinet is established under the applicable state and federal programs to do the following:

(1) Review the services and use of funds and resources under applicable state and federal programs and advise the governor, *general assembly, commission for higher education, and state board of education* on methods of coordinating the services and use of funds and resources consistent with the laws and regulations governing the particular applicable state and federal programs.

(2) Advise the governor, *general assembly, commission for higher education, and state board of education* on:

(A) the development and implementation of state and local standards and measures; and

(B) the coordination of the standards and measures;

concerning the applicable federal programs.

(3) Perform the duties as set forth in federal law of the particular advisory bodies for applicable

federal programs described in section 4 of this chapter.

(4) Identify the workforce needs in Indiana and recommend to the governor, *general assembly, commission for higher education, and state board of education* goals to meet the investment needs.

(5) Recommend to the governor, *general assembly, commission for higher education, and state board of education* goals for the development and coordination of the talent development system in Indiana.

(6) Prepare and recommend to the governor, *general assembly, commission for higher education, and state board of education* a strategic plan to accomplish the goals developed under subdivisions (4) and (5).

(7) Monitor and direct the implementation of and evaluate the effectiveness of the strategic plan described in subdivision (6).

(8) Advise the governor, *general assembly, commission for higher education, and state board of education* on the coordination of federal, state, and local education and training programs and on the allocation of state and federal funds in Indiana to promote effective services, service delivery, and innovative programs.

(9) Review and approve regional workforce development board plans, and work with regional workforce development boards to determine appropriate metrics for workforce programming at the state and local levels.

(10) Design for implementation a comprehensive career navigation and coaching system as described in section 11 of this chapter.

(11) Conduct a systematic and comprehensive review, analysis, and evaluation of workforce funding described in section 12 of this chapter.

(12) Conduct a systematic and comprehensive review, analysis, and evaluation of the college and career funding described in section 13 of this chapter.

(13) Based on the reviews in sections 12 and 13 of this chapter, direct the appropriate state agencies to implement administrative changes to the delivery of these programs that align with Indiana's workforce goals, and make recommendations to:

(A) the governor;

(B) the *commission for higher education*;

(C) the *state board of education*; and

(D) the ~~legislative council~~ *general assembly* in an ~~an~~ electronic format under IC 5-14-6;

on possible legislative changes in the future.

(14) Study the advisability of establishing one (1) or more real world career readiness programs as described in section 14 of this chapter and report to:

(A) the governor;

(B) the *commission for higher education*;

(C) the *state board of education*; and

(D) the ~~legislative council~~ *general assembly* in an electronic format

under IC 5-14-6;  
concerning the results of the study.  
(15) *Conduct a systematic and comprehensive review, analysis, and evaluation of whether:*

(A) *Indiana's primary, secondary, and postsecondary education systems are aligned with employer needs; and*

(B) *Indiana's students and workforce are prepared for success in the twenty-first century economy.*

(16) *Create a comprehensive strategic plan to ensure alignment between Indiana's primary, secondary, and postsecondary education systems with Indiana's workforce training programs and employer needs.*

~~(15)~~ (17) *Administer the workforce diploma reimbursement program established by IC 22-4.1-27-7.*

(18) **Work with stakeholders from early learning to the workforce to establish alignment and coordination between the early learning advisory committee (established by IC 12-17.2-3.8-5), state board of education, commission for higher education, and department of workforce development.**

~~(17)~~ ~~(16)~~ (18) (19) Carry out other policy duties and tasks as assigned by the governor.

SECTION 2. IC 4-3-27-5, AS AMENDED BY SEA 272-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The membership of the governor's workforce cabinet established under section 3 of this chapter consists of at least ~~twenty-three~~ **thirty-one** (31) members as follows:

(1) A chairperson appointed by the governor.  
(2) The secretary of career connections and talent, **serving as a nonvoting member.**  
(3) The commissioner of the department of workforce development.  
(4) The secretary of commerce or the secretary of commerce's designee, **serving as a nonvoting member.**

(5) The commissioner of the Indiana commission for higher education.

(6) The superintendent of public instruction.

(7) The president of Ivy Tech Community College.

(8) The president of Vincennes University.

(9) **One (1) member representing a research university appointed by the governor.**

(10) **One (1) member representing a comprehensive university or an independent college appointed by the governor.**

~~(9)~~ (11) A member appointed by the governor who is an apprenticeship coordinator of a joint labor-management apprenticeship program approved by the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship.

~~(10)~~ (12) A member representing high school career and technical education **educators or** directors appointed by the governor in consultation with the Indiana Association of Career and Technical Education Districts.

~~(11)~~ (13) **Either:**

(A) a member representing manufacturing appointed by the governor in consultation with the

Indiana Manufacturers Association; **or**

(B) **an employee of the Indiana Manufacturers Association appointed by the governor.**

~~(12)~~ (14) A member representing a minority business enterprise appointed by the governor.

~~(13)~~ (15) A member representing a women's business enterprise appointed by the governor.

~~(14)~~ (16) A member representing a veteran owned business appointed by the governor.

~~(15)~~ (17) A member representing the nonunion and construction trades appointed by the governor in consultation with the Associated Builders and Contractors, Inc., and the Indiana Builders Association.

~~(16)~~ (18) **Either:**

(A) a business owner appointed by the governor in consultation with the Indiana Chamber of Commerce; **or**

(B) **an employee of the Indiana Chamber of Commerce appointed by the governor.**

~~(17)~~ (19) A small business owner appointed by the governor in consultation with the National Federation of Independent Businesses.

~~(18)~~ (20) A member of a community-based organization appointed by the governor.

~~(19)~~ (21) Three (3) at-large business owners appointed by the governor, one (1) of whom is a business owner who employs less than fifty (50) employees. **One (1) member appointed under this subdivision shall be from an organization representing technology.**

(22) A school principal, appointed by the governor.

(23) A school superintendent, appointed by the governor.

(24) **The commissioner of the department of correction, serving as a nonvoting member.**

(25) **The secretary of family and social services, serving as a nonvoting member.**

~~(20)~~ (26) A member of the house of representatives appointed by the speaker of the house of representatives who serves as a nonvoting member.

~~(21)~~ (27) A member of the senate appointed by the president pro tempore of the senate who serves as a nonvoting member.

~~(22)~~ (28) Any additional members designated and appointed by the governor.

(b) The members appointed under subsection ~~(a)(11)~~ (a)(13) through ~~(a)(19)~~ (a)(21) must be geographically diverse.

SECTION 3. IC 4-3-27-6, AS AMENDED BY P.L.143-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Members shall be appointed to the cabinet for two (2) year terms. The terms must be staggered so that the terms of half of the members expire each year. **The governor must rotate appointments described in section 5(a)(9) and 5(a)(10) of this chapter so that the same research university, comprehensive university, or independent college is not represented on the cabinet for two (2) consecutive terms.**

(b) For members appointed by the governor, the governor shall promptly make an appointment to fill any vacancy on the cabinet, but only for the duration of the unexpired term.

(Reference is to EHB 1419 as printed February 28, 2020.)

BEHNING  
PORTER  
House Conferees

RAATZ  
FORD, J.D.  
Senate Conferees

Roll Call 362: yeas 91, nays 3. Report adopted.

CONFERENCE COMMITTEE REPORT  
ESB 256-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 256 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-1.3-13, AS AMENDED BY P.L.2-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) A study committee shall study the issues assigned by the legislative council that are within the subject matter for the study committee, as described in section 4 of this chapter.

(b) In addition to the issues assigned under subsection (a), the interim study committee on roads and transportation shall advise the bureau of motor vehicles regarding the suitability of a special group (as defined in IC 9-13-2-170) to receive a special group recognition license plate for the special group (as defined in IC 9-13-2-170) for the first time under IC 9-18.5-12-4 and the suitability of a special group (as defined in IC 9-13-2-170) to continue participating in the special group recognition license plate program under IC 9-18.5-12-5.

(c) In addition to the issues assigned under subsection (a), the interim study committee on corrections and criminal code shall review current trends with respect to criminal behavior, sentencing, incarceration, and treatment and may:

- (1) identify particular needs of the criminal justice system that can be addressed by legislation; and
- (2) prepare legislation to address the particular needs found by the committee.

(d) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review, consider, and make recommendations concerning all requests for new courts, new judicial officers, and changes in jurisdiction of existing courts. A request under this subsection must include at least the following information to receive full consideration by the committee:

- (1) The level of community support for the change, including support from the local fiscal body.
- (2) The results of a survey that shall be conducted by the county requesting the change, sampling members of the bar, members of the judiciary, and local officials to determine needs and concerns of existing courts.
- (3) Whether the county is already using a judge or magistrate from an overserved area of the judicial district.
- (4) The relative severity of need based on the most recent weighted caseload measurement system report published by the office of judicial administration.
- (5) Whether the county is using any problem solving court as described in IC 33-23-16-11, and, if so, the list of problem solving courts established in the county, and any evaluation

of the impact of the problem solving courts on the overall judicial caseload.

(6) A description of the:

(A) county's population growth in the ten (10) years before the date of the request; and

(B) projected population growth in the county for the ten (10) years after the date of the request, to the extent available;

and any documentation to support the information provided under this subdivision.

(7) A description of the county's use of pre-incarceration diversion services and post-incarceration reentry services in an effort to decrease recidivism.

(8) If the request is a request for a new court or new courts, an acknowledgment from the county fiscal body (as defined in IC 36-1-2-6) with the funding sources and estimated costs the county intends to pay toward the county's part of the operating costs associated with the new court or new courts.

The office of judicial administration shall post the list of required information provided under this subsection on its Internet web site.

(e) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review the most recent weighted caseload measurement system report published by the office of judicial administration and do the following:

- (1) Identify each county in which the number of courts or judicial officers exceeds the number used by the county in that report year.
- (2) Determine the number of previous report years in which the number of courts or judicial officers in a county identified in subdivision (1) exceeded the number used by the county in that particular report year.
- (3) Make a recommendation on whether the number of courts or judicial officers in the county should be decreased.

The office of judicial administration shall post a list of the number of courts or judicial officers used in each county for each report year, and the number of years in which the number of courts or judicial officers in the county has exceeded the number used by the county, on its Internet web site.

SECTION 2. IC 33-33-10-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.1. IC 33-29-1 does not apply to this chapter.

SECTION 3. IC 33-33-10-2.5, AS ADDED BY P.L.201-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.5. (a) The Clark circuit court is a court of general jurisdiction with four (4) judges. The divisions of the court shall be known as Clark circuit court No. 1, No. 2, No. 3, and No. 4. Clark County constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following dockets:

- (1) A small claims and misdemeanor division under IC 33-28-3 that has a:
  - (A) small claims docket; and
  - (B) minor offenses and violations docket.
- (2) Criminal.
- (3) Juvenile.
- (4) Civil.
- (5) Probate.

(b) The assignment of judges of the circuit court to the dockets specified in subsection (a) must be by rule of the circuit court.

(c) This section expires January 1, 2025.

SECTION 4. IC 33-33-10-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.7. (a) This section applies beginning January 1, 2025.

(b) The Clark circuit court is a court of general jurisdiction with six (6) judges.

(c) The court shall have six (6) divisions, known as Clark circuit court No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6.

(d) Clark County constitutes the judicial district of the court and each of the court's divisions.

(e) The court shall maintain the following dockets:

(1) A small claims and misdemeanor division under IC 33-28-3 that has a:

(A) small claims docket; and  
(B) minor offenses and violations docket.

(2) Criminal.

(3) Juvenile.

(4) Civil.

(5) Probate.

(f) The assignment of judges of the circuit court to the dockets specified in subsection (e) must be by rule of the circuit court.

SECTION 5. IC 33-33-10-2.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.8. (a) The first judge of Clark circuit court No. 5 elected under Article 7, Section 7 of the Constitution of the State of Indiana shall:

(1) be elected at the November 2024 general election;

(2) take office January 1, 2025; and

(3) serve a term of six (6) years.

(b) The first judge of Clark circuit court No. 6 elected under Article 7, Section 7 of the Constitution of the State of Indiana shall:

(1) be elected at the November 2024 general election;

(2) take office January 1, 2025; and

(3) serve a term of six (6) years.

(c) This section expires January 1, 2026.

SECTION 6. IC 33-33-10-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.1. (a) Two (2) superior courts are established in Clark County.

(b) Each court established by subsection (a) consists of one (1) judge, appointed by the governor.

(c) Each judge appointed under subsection (b) will take office July 1, 2021.

(d) The term of office of a judge appointed under subsection (b) expires January 1, 2025.

(e) To be eligible to hold office as a judge of Clark superior court, an individual must be:

(1) a resident of Clark County; and

(2) admitted to the bar of Indiana.

(f) The courts established by subsection (a) will convert to Clark circuit court No. 5 and Clark circuit court No. 6 on January 1, 2025.

(g) This section expires January 2, 2025.

SECTION 7. IC 33-33-10-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.1. (a) The superior courts shall be known as Clark superior court No. 5 and Clark superior court No. 6.

(b) Clark County constitutes the judicial district of each court.

(c) Each superior court shall be a court of record having the same jurisdiction as the circuit court. A judge of the

superior court has the same powers relating to the conduct of business of the court as the judge of the circuit court.

(d) Each court shall have a seal containing the words "Clark Superior Court \_\_\_\_\_ (insert "No. 5" or "No. 6") of Clark County, Indiana".

(e) This section expires January 1, 2025.

SECTION 8. IC 33-33-10-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.1. (a) Each judge of a superior court may make and adopt rules and regulations for conducting the business of the judge's court, not inconsistent with Indiana law.

(b) This section expires January 1, 2025.

SECTION 9. IC 33-33-10-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6.1. (a) Each judge of a superior court has the same power to do any of the following as is conferred on circuit courts or the judges of circuit courts:

(1) Grant restraining orders and injunctions.

(2) Issue writs of habeas corpus and of mandate and prohibition.

(3) Appoint receivers, master commissioners to convey real property, and grant commissions for the examination of witnesses.

(4) Appoint other officers necessary to facilitate and transact the business of the court.

(b) This section expires January 1, 2025.

SECTION 10. IC 33-33-10-7.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7.1. (a) Each superior court shall hold its sessions at the courthouse of the county, or at other convenient places in the county as the court designates.

(b) The county commissioners shall provide suitable quarters for each court.

(c) This section expires January 1, 2025.

SECTION 11. IC 33-33-10-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8.1. (a) The clerk, under the direction of a judge of the superior court, shall provide order books, judgment dockets, execution dockets, fee books, and such other books, papers, and records as are necessary for that court.

(b) All books, papers, and proceedings of each court shall be kept distinct and separate from those of other courts, and the records of all civil cases separate and apart from the records of juvenile matters.

(c) This section expires January 1, 2025.

SECTION 12. IC 33-33-10-9.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9.1. (a) Each judge of a superior court shall appoint a bailiff for the court, whose salary shall be fixed and paid as provided by law.

(b) This section expires January 1, 2025.

SECTION 13. IC 33-33-10-10.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.1. (a) Each judge of a superior court shall appoint a court reporter, whose duties, salary, and term shall be regulated in the same manner as the court reporter of circuit courts.

(b) This section expires January 1, 2025.

SECTION 14. IC 33-33-10-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11.1. (a) All laws governing the circuit court in matters of pleading, practice, the issuing and service of process, the giving of

notice, the appointment of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court are applicable to and govern the superior courts.

(b) This section expires January 1, 2025.

SECTION 15. IC 33-33-10-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 12.1. (a) The process of each superior court must have the seal affixed and be attested, directed, served, and returned, and be in the form as is provided for process issuing from the circuit court.**

(b) This section expires January 1, 2025.

SECTION 16. IC 33-33-10-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 15.3. (a) A judge of the circuit court may, with the consent of a judge of the superior court, transfer any action or proceeding from the circuit court to that superior court.**

(b) A judge of the superior court may, with the consent of a judge of the circuit court, transfer any action or proceeding from that superior court to that circuit court.

(c) A judge of the superior court may, with the consent of the judge of the other superior court, transfer any action or proceeding from that superior court to the other superior court.

(d) A judge of the circuit court may, with the consent of a judge of the superior court, sit as a judge of that superior court in any matter, as if the judge were judge of that superior court.

(e) A judge of the superior court may, with consent of a judge of the circuit court, sit as a judge of that circuit court as if the judge were judge of the circuit court.

(f) A judge of the superior court may, with the consent of the judge of the other superior court, sit as judge of the other superior court as if the judge of that superior court.

(g) This section expires January 1, 2025.

SECTION 17. IC 33-33-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2. (a) The Delaware circuit court is a court of general jurisdiction with ~~five~~ (5) **six (6)** judges. The divisions of the court shall be known as Delaware circuit court No. 1, No. 2, No. 3, No. 4, ~~and~~ No. 5, **and No. 6**. The county of Delaware constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following dockets:**

- (1) Small claims.
- (2) Minor offenses and violations.
- (3) Criminal.
- (4) Juvenile.
- (5) Civil.
- (6) Probate.

(b) The assignment of judges of the court to the dockets specified in subsection (a) shall be by rule of the court. ~~However, Delaware circuit court No. 4 and Delaware circuit court No. 5 shall each have a standard small claims and misdemeanor docket.~~

SECTION 18. IC 33-33-18-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.1. (a) Notwithstanding section 2 of this chapter, Delaware circuit court No. 6 is established January 1, 2023.**

(b) The first judge of Delaware circuit court No. 6 shall:

- (1) be elected at the November 2022 general election;
- (2) take office January 1, 2023; and
- (3) serve a term of six (6) years.

(c) This section expires January 1, 2029.

SECTION 19. IC 33-33-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 1. (a) Gibson**

County constitutes the sixty-sixth judicial circuit.

(b) **The judges of the Gibson superior court and Gibson circuit court may appoint one (1) full-time magistrate under IC 33-23-5 to serve both courts.**

(c) **The magistrate continues in office until removed by the judge of the Gibson superior court and the judge of the Gibson circuit court.**

SECTION 20. IC 33-33-29-6, AS AMENDED BY P.L.12-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 6. (a) The judge of the Hamilton circuit court and the judges of the Hamilton superior courts may jointly appoint ~~three (3)~~ **four (4)** full-time magistrates under IC 33-23-5 to serve the circuit and superior courts.**

(b) A magistrate continues in office until jointly removed by the judge of the Hamilton circuit court and the judges of the Hamilton superior courts.

SECTION 21. IC 33-33-40-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 1. (a) Jennings County constitutes the eighty-sixth judicial circuit.**

(b) The Jennings circuit court has a standard small claims and misdemeanor division.

(c) **The judge of the Jennings circuit court and the judge of the Jennings superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.**

(d) **A magistrate continues in office until jointly removed by the judge of the Jennings circuit court and the judge of the Jennings superior court.**

SECTION 22. IC 33-33-50-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2. (a) There are established ~~two (2)~~ **three (3)** courts of record to be known as the Marshall superior court No. 1, ~~and~~ the Marshall superior court No. 2, **and the Marshall superior court No. 3**.**

(b) The Marshall superior courts are standard superior courts as described in IC 33-29-1.

(c) Marshall County comprises the judicial district of each court.

SECTION 23. IC 33-33-50-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3. The Marshall superior court No. 1 has one (1) judge who shall hold sessions in the Marshall County courthouse in Plymouth. The Marshall superior court No. 2 has one (1) judge who shall hold sessions in a place in the county as the board of county commissioners may provide. **The Marshall superior court No. 3 has one (1) judge who shall hold sessions in a place in the county as the board of county commissioners may provide.****

SECTION 24. IC 35-33-8-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 12. (a) As used in this section, "disposition" has the meaning set forth in section 3.2(c) of this chapter.**

(b) **The Indiana criminal justice institute shall collect the following data from each court exercising criminal jurisdiction in Indiana:**

- (1) Of those defendants who are released on personal recognizance, the number of defendants who are rearrested before the disposition of the defendant's charges.
- (2) Of those defendants who are released pursuant to the payment of money bail of one thousand dollars (\$1,000) or less, the number of defendants who are rearrested before the disposition of the defendant's charges.

(c) **Data collected under subsection (b) shall be compiled in such a manner to present the rearrest rate for:**

- (1) the entire state;
- (2) each county; and
- (3) each circuit, superior, city, and town court, including each separate division of

each court, if applicable.

(d) The Indiana criminal justice institute shall, before August 1, 2021, and before August 1 of each year thereafter, submit an annual report containing the information collected under this section to the legislative council in an electronic format under IC 5-14-6. The initial report submitted by the Indiana criminal justice institute before August 1, 2021, must also include all data described in subsection (b) for the period beginning after December 31, 2019, through December 31, 2020.

SECTION 25. [EFFECTIVE JULY 1, 2020] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) The legislative council is urged to assign to the interim study committee on courts and the judiciary during the 2020 legislative interim the topic of providing mutual full faith and credit to the judgments, decrees, orders, warrants, subpoenas, and other judicial acts of a tribal court of a federally recognized Indian tribe (as defined by IC 5-33.5-2-1) that are not already given full faith and credit as required under federal law.

(Reference is to ESB 256 Digest Correction as printed February 28, 2020.)

KOCH	MCNAMARA
TAYLOR	DELANEY
Senate Conferees	House Conferees

Roll Call 363: yeas 66, nays 28. Report adopted.

#### CONFERENCE COMMITTEE REPORT ESB 340-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 340 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 32-21-2-3, AS AMENDED BY P.L.14-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (c), a conveyance, a mortgage, or an instrument of writing to be recorded must be:

(1) acknowledged by the grantor; ~~or and~~

(2) proved before a:

- (A) judge;
- (B) clerk of a court of record;
- (C) county auditor;
- (D) county recorder;
- (E) notary public;
- (F) mayor of a city in Indiana or any other state;
- (G) commissioner appointed in a state other than Indiana by the governor of Indiana;
- (H) minister, charge d'affaires, or consul of the United States in any foreign country;
- (I) clerk of the city county council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;
- (J) clerk-treasurer for a town; or
- (K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless it

meets the requirements of this subsection. The conveyance must include a statement containing substantially the following information:

"The mailing address to which statements should be mailed under IC 6-1.1-22-8.1 is [insert proper mailing address]. The mailing address of the grantee is [insert proper mailing address].".

The mailing address for the grantee must be a street address or a rural route address. A conveyance complies with this subsection if it contains the address or addresses required by this subsection at the end of the conveyance and immediately preceding or following the statements required by IC 36-2-11-15.

(c) This section does not apply to the Indiana department of transportation.

SECTION 2. IC 32-24-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Upon the filing of a complaint under this chapter, the circuit court clerk shall issue a notice requiring the defendants to appear before the court on the day to be fixed by the plaintiff by indorsement on the complaint at the time of filing the complaint, and to show cause, if any, why the property sought to be condemned should not be acquired. **The notice must also provide notice to defendants of their right to object under section 8 of this chapter not later than thirty (30) days from the date the notice is served. The notice must include, either as an attachment or as part of the language of the notice, the full text of section 8 of this chapter.** The notice shall be substantially in the following form:

In the \_\_\_\_\_ Court of Indiana.  
To the Sheriff of \_\_\_\_\_ County, Indiana:

You are hereby commanded to notify \_\_\_\_\_, defendants, to appear before the \_\_\_\_\_ Court of \_\_\_\_\_ County, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_ M. ~~to show cause, if any, they have why the to object to the condemnation of property sought to be acquired in the complaint of \_\_\_\_\_ should not be acquired. If defendants object to the acquisition of the property, defendants must file objections with the court under IC 32-24-1-8 not later than thirty (30) days after the date this notice is served. The court may extend the period for filing objections by an additional thirty (30) days upon written motion of the defendants.~~

Witness my hand and the seal of the court affixed at \_\_\_\_\_, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Clerk of \_\_\_\_\_ Court.

(b) The notice shall be served in the same manner as a summons is served in civil actions. Upon a showing by affidavit that any defendant is a nonresident of Indiana or that the defendant's name or residence is unknown, publication and proof of the notice may be made as provided in section 7 of this chapter.

SECTION 3. IC 32-24-1-8, AS AMENDED BY P.L.146-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) A defendant may object to the proceedings:

- (1) because the court does not have jurisdiction either of the subject matter or of the person;
- (2) because the plaintiff does not have the right to exercise the power of eminent domain for the use sought; or
- (3) for any other reason disclosed in the complaint or set up in the objections.

(b) Objections under subsection (a) must be:

- (1) in writing;
- (2) separately stated and numbered; and
- (3) filed not later than thirty (30) days after the date the notice required in section 6 of this

chapter is served on the defendant. However, the court may extend the period for filing objections by not more than thirty (30) days upon written motion of the defendant.

(c) The court may not allow pleadings in the cause other than the complaint, any objections, and the written exceptions provided for in section 11 of this chapter. However, the court may permit amendments to the pleadings.

(d) If an objection is sustained, the plaintiff may amend the complaint or may appeal from the decision in the manner that appeals are taken from final judgments in civil actions. All the parties shall take notice and are bound by the judgment in an appeal.

(e) If the objections are overruled, the court shall appoint appraisers as provided for in this chapter. Any defendant may appeal the interlocutory order overruling the objections and appointing appraisers in the manner that appeals are taken from final judgments in civil actions.

(f) All the parties shall take notice of and be bound by the judgment in the appeal.

(g) The transcript must be filed in the office of the clerk of the supreme court not later than thirty (30) days after the notice of the defendant's appeal is filed. The appeal does not stay proceedings in the cause.

**(h) This subsection does not apply to a condemnation action brought by a public utility (as defined in section 5.9(a) of this chapter) or by a pipeline company. Notwithstanding section 14 of this chapter, if an objection:**

**(1) is sustained, and no appeal is filed; or**

**(2) is sustained in the judgment in the appeal;**

**the court shall award the defendant the reasonable costs and attorney's fees incurred for the objection, in an amount not to exceed twenty-five thousand dollars (\$25,000).**

SECTION 4. IC 32-24-2-6, AS AMENDED BY P.L.172-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) This chapter applies if the works board of a municipality wants to acquire property for the use of the municipality or to open, change, lay out, or vacate a street, an alley, or a public place in the municipality, including a proposed street or alley crossings of railways or other rights-of-way. However, this chapter does not apply if a municipality wants to acquire the property of a public utility (as defined in IC 8-1-2-1).

(b) The works board must adopt a resolution that the municipality wants to acquire the property. The resolution must describe the property that may be injuriously or beneficially affected. The board shall have notice of the resolution:

**(1) published in a newspaper of general circulation published in the municipality once each week for two (2) consecutive weeks; and**

**(2) mailed to the owner of each piece of property affected by the proposed acquisition.**

The notice must name a date, at least ~~ten (10)~~ **thirty (30)** days after the last publication, at which time the board will receive or hear remonstrances from persons interested in or affected by the proceeding.

(c) The works board shall consider the remonstrances, if any, and then take final action, confirming, modifying, or rescinding its original resolution. ~~This action is conclusive as to all persons.~~

SECTION 5. IC 32-24-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Upon the completion of the list, the works board shall award the damages sustained and assess the benefits accruing to each piece of property on the list.

(b) When the assessments or awards are completed, the works board shall have a written notice served upon the owner of each piece of property, showing the amount of the assessment or award, by:

**(1) if the owner is a resident of the**

**municipality, leaving a copy of the notice at the owner's last usual place of residence in the municipality or by delivering a copy to the owner personally and mailing a copy of the notice to the owner's address of record; or**  
**(2) if the owner is not a resident of the municipality, by sending the notice to the owner's address of record by certified mail.**

~~(c) If the owner is a nonresident, or~~ If the owner's residence is unknown, the municipality shall notify the owner by publication in a daily newspaper of general circulation in the municipality once each week for three (3) successive weeks.

(d) The notices must also name a day, at least ~~ten (10)~~ **thirty (30)** days after service of notice or after the last publication, on which the works board will receive or hear remonstrances from ~~persons owners~~ with regard to:

**(1) the amount of their respective awards or assessments; and**

**(2) objections to the municipality's right to exercise the power of eminent domain for the use sought.**

(e) Persons not included in the list of the assessments or awards and claiming to be entitled to them are considered to have been notified of the pendency of the proceedings by the original notice of the resolution of the works board.

**(f) The notice required by this section must provide the full text of subsection (d) to provide notice to the property owners of their right to object to the condemnation and be in substantially the same form as the notice required under IC 32-24-1-6(a).**

SECTION 6. IC 32-24-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) A person notified or considered to be notified under this chapter may appear before the works board on the day fixed for hearing remonstrances to awards and assessments **and the municipality's right to exercise the power of eminent domain for the use sought** and remonstrate in writing against them.

(b) After the remonstrances have been received, the works board shall either sustain or modify the awards or assessments in the case of remonstrances that have been filed **that are based on the amount of the awards or assessments.** The works board shall sustain the award or assessment in the case of an award or assessment against which a remonstrance has not been filed.

**(c) If a person remonstrates in writing an objection to the municipality's right to exercise the power of eminent domain for the use sought, the works board shall consider the remonstrance and confirm, modify, or rescind its original resolution.**

~~(c) (d)~~ A person remonstrating in writing who is aggrieved by the decision of the works board may, not later than ~~twenty (20)~~ **thirty (30)** days after the decision is made, take an appeal to a court that has jurisdiction in the county in which the municipality is located. The appeal affects only the assessment or award of the person appealing.

SECTION 7. IC 32-24-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) The appeal may be taken by filing an original complaint in the court against the municipality within the time required by section ~~10(c)~~ **10(d)** of this chapter, setting forth the action of the works board with respect to the assessment and stating the facts relied upon as showing an error on the part of the board. The court shall rehear the matter of the assessment de novo and confirm, reduce, or increase the assessment. If the court reduces the amount of benefit assessed or increases the amount of damages awarded, the plaintiff may recover costs. If the court confirms the amount of the assessment, the plaintiff may not recover costs. ~~The judgment of the court is conclusive, and an appeal may not be taken from the court's judgment.~~



(b) If upon appeal the benefits assessed or damages awarded by the works board are reduced or increased, the municipality may, upon the payment of costs, discontinue the proceedings. It may also, through the works board, make and adopt an additional assessment against all the property originally assessed in the proceeding, or that part that is benefitted, in the manner provided for the original assessment. However, such an assessment against any one (1) piece of property may not exceed ten percent (10%) of the original assessment against it.

(c) If the municipality decides to discontinue the proceedings upon payment of costs and if assessments for benefits have already been paid, the amounts paid shall be paid back to the person or persons paying them.

**(d) The parties may appeal a court's judgment under this section in the manner that appeals are taken from final judgments in civil actions. All of the parties shall take notice of and be bound by the judgment of the appeal.**

SECTION 8. IC 32-24-4.5-11, AS ADDED BY P.L.163-2006, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) This section applies to a parcel of real property located in a project area:

- (1) that is located in only one (1) county;
- (2) that is at least ten (10) acres in size; and
- (3) in which a condemnor or its agents has acquired clear title to at least ninety percent (90%) of the parcels in the project area.

(b) As used in this section, "project area" means an area designated by a condemnor and the legislative body for the condemnor for economic development.

(c) Notwithstanding sections 7 and 8 of this chapter, a condemnor may acquire a parcel of real property by the exercise of eminent domain under this section only if all of the following conditions are met:

- (1) The parcel of real property is not occupied by the owner of the parcel as a residence.
- (2) The legislative body for the condemnor adopts a resolution by a ~~two-thirds (2/3)~~ **three-fourths (3/4)** vote that authorizes the condemnor to exercise eminent domain over a particular parcel of real property.

(d) A condemnor that acquires a parcel of real property through the exercise of eminent domain under this section shall compensate the owner of the parcel as follows:

- (1) Payment to the owner equal to one hundred twenty five percent (125%) of the fair market value of the parcel as determined under IC 32-24-1.
- (2) Payment of any other damages as determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain.
- (3) Payment of the owner's relocation costs, if any.

(e) The condemnor may not acquire a parcel of real property through the exercise of eminent domain under this section if the owner of the parcel demonstrates by clear and convincing evidence that:

- (1) the location of the parcel is essential to the viability of the owner's commercial activity and **the payment of damages and relocation costs cannot adequately compensate the owner of the parcel; or**
- (2) ~~the payment of damages and relocation costs cannot adequately compensate the owner of the parcel: the parcel is not necessary for the economic development project for which it is sought.~~

(f) The court shall award the payment of reasonable attorney's fees to the owner of a parcel in accordance with this chapter.

(Reference is to ESB 340 as printed February 25, 2020.)

SPARTZ	WOLKINS
TAYLOR	BAUER
Senate Conferees	House Conferees

Roll Call 340: yeas 94, nays 0. Report adopted.

#### CONFERENCE COMMITTEE REPORT ESB 433-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 433 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-28-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 23. (a) The director may remove or eliminate a structure, an obstruction, a deposit, or an excavation in a floodway that:

- (1) adversely affects the efficiency of or unduly restricts the capacity of the floodway;
- (2) constitutes an unreasonable hazard to the safety of life or property; or
- (3) is unreasonably detrimental to fish, wildlife, or botanical resources;

by an action in condemnation.

(b) In assessing the damages in the proceedings, the appraisers and the court shall take into consideration whether the structure, obstruction, deposit, or excavation is legally in or on the floodway.

**(c) Beginning January 1, 2020, the director shall not exercise the authority under subsection (a) to remove or eliminate an abode or residence from a floodway if:**

- (1) the abode or residence was constructed before January 1, 2020;**
- (2) the owner of the abode or residence has taken necessary measures to elevate the lowest floor of the abode or residence, as reconstructed, including the basement, to at least two (2) feet above the one hundred (100) year flood elevation within two (2) years after receiving notification from the department concerning the abode or residence; and**
- (3) the owner of the abode or residence has taken necessary measures to comply with all applicable local, state, and federal floodway regulations.**

SECTION 2. **An emergency is declared for this act.**

(Reference is to ESB 433 as reprinted March 3, 2020.)

BASSLER	LINDAUER
TALLIAN	PFUFF
Senate Conferees	House Conferees

Roll Call 365: yeas 93, nays 1. Report adopted.

#### CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1006	Conferees: Engleman and Wright
	Advisors: Schaibley, Bartlett and Hatfield

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:



ESB 148 Conferees: Representative Manning replacing  
Shackleford  
ESB 229 Conferees: Representative Prescott replacing  
Errington  
Advisors: Representative Prescott removed

**ENROLLED ACTS SIGNED**

The Speaker announced that he had signed House Enrolled Acts 1049, 1059, 1063, 1099, 1111, 1120, 1148, 1176, 1182, 1209, 1225, 1244, 1246, 1264, 1265, 1283, 1309, 1313, 1341, 1343, 1353 and 1392 on March 10.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

HOUSE MOTION

Mr. Speaker: I move that Representative Kirchhofer be removed as author of House Bill 1006 and Representative Engleman be substituted therefor and Representative Engleman be removed as coauthor.

KIRCHHOFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moed be removed as cosponsor of Engrossed Senate Bill 148.

MILLER

Motion prevailed.

On the motion of Representative VanNatter, the House adjourned at 7:23 p.m., this tenth day of March, 2020, until Wednesday, March 11, 2020, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives